Also, petition of J. E. Evans, of Emporia, Kans., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Receivers and Shippers' Association of Cincinnati, Ohio, favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the executive committee of the Interstate Commerce Law Convention, relative to regulation of freight rates by the Government—to the Committee on Interstate and Foreign Commerce.

Also, petition of the General Convention of Protestant Episcopal Church, held in Boston, October, 1904, relative to harmony between capital and labor during labor disturbances—to the Committee on Labor.

Also, petition of Indianapolis News, relative to revision of trade-mark laws—to the Committee on Patents.

By Mr. CONNELL: Petition of the Association of Master Plumbers of Scranton, Pa., favoring bill providing additional appropriations for public buildings at Washington, D. C., etc.—to the Committee on the District of Columbia.

Also, petition of Lackawanna Division, No. 12, Order of Railway Conductors, of Scranton, Pa., urging passage of bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of the Christian Endeavor City Union, of Scranton, Pa., asking postponement of action on Indian Territory statehood—to the Committee on the Territories.

Also, petition of the Pennsylvania Dairy Union, urging passage of bill H. R. 8678—to the Committee on Agriculture.

Also, petition of Robert S. Conklin, president of the Pennsylvania Forestry Reservation Commission, favoring passage of bill for preservation of big trees in California—to the Committee on Agriculture.

Also, petition of President Halliday, of the New England Tobacco Growers' Association, relative to reduction of tariff rates on tobacco from the Philippine Islands—to the Committee on Ways and Means.

Also, petition of the Carriage Builders' National Association, favoring increased power of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Receivers and Shippers' Association of Cincinnati, Ohio, favoring part of President's message relating to transportation—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Republican Club of New York City, favoring a reduction of representation of Southern States in Congress and the electoral college—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, petition of Russell C. Paris, past national commander of the Army and Navy Union, favoring passage of bill H. R. 3586—to the Committee on Naval Affairs.

By Mr. DENNY: Petition of Lafayette Square Woman's Christian Temperance Union, of Baltimore, against intoxicants on Government premises—to the Committee on Military Affairs.

Also, petition of the Chamber of Commerce of Baltimore, Md., against increased and combined freight rates to the port of Baltimore—to the Committee on Interstate and Foreign Commerce.

By Mr. DIXON: Papers to accompany bill H. R. 16906—to the Committee on Indian Affairs.

By Mr. DUNWELL: Petition of the Grand Street Board of Trade, of Brooklyn, N. Y., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the Rockford (Ill.) Malleable Iron Works, concerning regulation of freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the State legislative board, Brotherhood of Railroad Trainmen, for the State of Illinois, favoring bill H. R. 7041—to the Committee on Interstate and Foreign Commerce.

Also, petition of B. F. Barnes & Co., of Rockford, Ill., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDFOGLE: Petition of the Merchants' Association of New York City, relative to abolition of duties on all products from the Philippines—to the Committee on Ways and Means.

Also, petition of the Merchants' Association of New York City, relative to regulation of towing in New York Harbor—to the Committee on Rivers and Harbors.

By Mr. GROSVENOR: Petition of citizens of Athens, Ohio, favoring perpetual peace—to the Committee on Foreign Affairs.

By Mr. GUDGER: Paper to accompany bill for relief of Catherine Green, widow of Joseph W. Green—to the Committee on War Claims.

By Mr. HENRY of Connecticut: Petition of the Young People's Society of Christian Endeavor of the Congregational Church of New Britain, Conn., against the beer canteen in the Army—to the Committee on Military Affairs.

Also, petition of the Young People's Society of Christian Endeavor of the Baptist Church of Bristol, Conn., against reinstating the beer canteen in the Army—to the Committee on Military Affairs.

By Mr. HITT: Petition of Union Lodge, No. 138, Brotherhood of Locomotive Firemen, of Freeport, Ill., favoring bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of Fred Lawton, of Dixon, Ill., against Government ownership of railways—to the Committee on Intersate and Foreign Commerce.

By Mr. JAMES: Papers to accompany bill for relief of Permelia Rose—to the Committee on Invalid Pensions.

By Mr. KLINE: Petition of Union Council, No. 592, Patriotic Order Sons of America, of Gibraltar, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Petition of the Receivers and Shippers' Association of Cincinnati, Ohio, favoring reasonable freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. LAFEAN: Papers to accompany bill for the relief of Louis N. Brady—to the Committee on Invalid Pensions.

By Mr. LORIMER: Papers to accompany bill for relief of John Hopper—to the Committee on Pensions.

By Mr. MAHON: Papers to accompany bill for relief of William Ross Hartshorne—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: Petition of Pottsville Division, No. 416, Order of Railway Conductors, favoring employees' liability bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the First Methodist Church of Shenandoah, Pa., opposing the statehood bill—to the Committee on the Territories.

Also, petition of Washington Camp, No. 62, Patriotic Order Sons of America, of Gordon, Pa., asking restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RICHARDSON: Papers to accompany bill H. R. 10099, granting a pension to Harrison Cook—to the Committee on Pensions.

By Mr. ROBINSON of Indiana: Papers to accompany bill for relief of Joseph C. Kimsey—to the Committee on Invalid Pensions.

By Mr. RUPPERT: Petition of the Merchants' Association of New York, urging the necessity of legislation for regulation of towing in New York Harbor—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Merchants' Association of New York, favoring a reduction or abolition of tariff rates on imports from the Philippine Islands—to the Committee on Ways and Means.

By Mr. SNOOK: Paper to accompany bill H. R. 4385, increasing the pension of Thomas Thompson—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: Petition of citizens of Alvord, Tex., asking passage of a postal currency bill—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany bill for relief of Felix Lindsay—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Papers to accompany bill for relief of Van Renselaer Gifford—to the Committee on Invalid Pensions.

By Mr. WEEMS: Petition of Steubenville (Ohio) Retail Grocers' Association, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. A. White et al., favoring legislation for international arbitration—to the Committee on Foreign Affairs.

## SENATE.

THURSDAY, *January 19, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It stands approved.

### SALARIES OF TEA EXAMINERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, requesting that authority be granted him to increase the salaries of the tea examiners at the various ports in the country not to exceed $5,000; which was referred to the Committee on Finance, and ordered to be printed.

ELECTORAL VOTES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the State of Mississippi; which, with the accompanying paper, was ordered to be filed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

H. R. 11661. An act granting an increase of pension to William H. McClurg;

H. R. 15225. An act to amend the act relating to the printing and distribution of public documents, and for other purposes;

H. R. 15688. An act granting an increase of pension to Augustus H. Haines; and

H. R. 16720. An act permitting the building of a railroad bridge across the Red River of the North from a point on section 6, township 154 north, range 50 west, Marshall County, Minn., to a point on section 36, township 155 north, range 51 west, Walsh County, N. Dak.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented petitions of James Ross Ramsay, of Delta, Pa., and of sundry citizens of the United States, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Territory of Oklahoma when admitted to statehood; which were ordered to lie on the table.

He also presented a petition of the Christian Endeavor Society of the Christian Church of Forestgrove, Oreg., and a petition of the congregation of the Trinity Presbyterian Church, of Philadelphia, Pa., praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

Mr. KEAN presented the petition of Mary E. Lacey, of Rahway, N. J., praying for the enactment of legislation to increase the pensions of army nurses; which was referred to the Committee on Pensions.

He also presented a petition of the Women's Health Protective Association of New York City, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented memorials of sundry citizens of Orange, Montclair, East Orange, Tuckerton, Camden, Plainfield, Woodstown, Elwood, Chatham, Lumberton, Newark, Atlantic Highlands, Blairstown, Bloomfield, Princeton, Greenwich, Closter, Succasunna, Flemington, Port Morris, Pemberton, and Hancocks Bridge; of the Central Woman's Christian Temperance Union, of Camden; of the Frances Willard Woman's Christian Temperance Union, of Camden; of the congregation of the Baptist Church of Hightstown; of the Woman's Christian Temperance Union of Elwood, and of the Woman's Christian Temperance Union of Clarksboro, all in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented a petition of Adopted Lodge, No. 3, Brotherhood of Locomotive Firemen, of Jersey City, N. J., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. OVERMAN presented a petition of Floral Division, No. 435, Brotherhood of Locomotive Engineers, of Hamlet, N. C., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. CLAY presented sundry papers to accompany the bill (S. 5840) for the relief of Elizabeth A. C. Galloway; which were referred to the Committee on Claims.

Mr. McCUMBER presented a memorial of the Woman's Christian Temperance Union of Lisbon, N. Dak., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Women's Health Protective Association of New York City, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. NELSON presented a memorial of sundry citizens of Rice, Minn., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

Mr. ANKENY (for Mr. FOSTER of Washington) presented a petition of Mount Tacoma Division, No. 249, Order of Railway Conductors, of Tacoma, Wash., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also (for Mr. FOSTER of Washington) presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the insertion of a clause in the naval appropriation bill providing a 4 per cent differential in favor of Pacific coast builders of United States war vessels; which was referred to the Committee on Naval Affairs.

Mr. CLARK of Montana presented a petition of Black Eagle Division, No. 356, Order of Railway Conductors, of Great Falls, Mont., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. PETTUS presented sundry papers to accompany the bill (S. 6128) for the relief of the estate of Simeon Houk, deceased; which were referred to the Committee on Claims.

Mr. FAIRBANKS presented a memorial of Divisions Nos. 1, 2, 3, 4, 5, 6, and 7, Ancient Order of Hibernians, of Marion County, Ind., and a memorial of the Boston Central Branch United Irish League of America, of Boston, Mass., remonstrating against the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

Mr. SPOONER presented petitions of the Retail Druggists' Association of Lincoln County, of the Retail Druggists' Association of Ozaukee and Washington counties, and of J. M. Farnsworth and sundry other citizens of Beloit, Milwaukee, Chilton, Melrose, Princeton, Reeseville, Fond du Lac, and Reedsburg, all in the State of Wisconsin, praying for the enactment of legislation amending sections 4886 and 4887 of the Revised Statutes, relating to patents affecting medicinal substances; which were referred to the Committee on Patents.

He also presented petitions of La Crosse Division, No. 61, Order of Railway Conductors; of Local Division No. 297, Brotherhood of Locomotive Engineers, of Green Bay, and of Local Division No. 405, Brotherhood of Locomotive Engineers, of Milwaukee, all in the State of Wisconsin, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. FRYE presented a memorial of the National Cigar Dealers' Association of America, remonstrating against any reduction of the duty on tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

REPORTS OF COMMITTEES.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (S. 6489) to amend section 9 of the act of August 2, 1882, concerning lists of passengers, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (H. R. 3109) for the relief of Noah Dillard, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1680) for the relief of Noah Dillard, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. McLAURIN, from the Committee on Claims, to whom was referred the bill (S. 6311) for the relief of James W. Jones, reported it with amendments, and submitted a report thereon.

SCHOOL LANDS IN MINNESOTA.

Mr. CLAPP. I call the attention of the Senator from Minnesota [Mr. NELSON] to the report I am about to make from the Committee on Indian Affairs.

I am directed by the Committee on Indians Affairs, to whom was referred the bill (S. 6522) to enable independent school district No. 12, Roseau County, Minn., to purchase certain lands, to report it favorably, without amendment.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONDEMNED CANNON FOR UNIVERSITY OF MINNESOTA.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 88) authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of Minnesota, at Minneapolis, Minn., to be placed on campus as a memorial to stu-

dents of said university who served in Spanish war, to report it favorably with an amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment of the Committee on Military Affairs was to add, at the end of the joint resolution, the following proviso:

*Provided*, That the United States shall incur no expense by reason of the passage of this act.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HANSBROUGH introduced a bill (S. 6712) to create the western division of the judicial district of North Dakota for judicial purposes, and to fix the time and place for holding court therein; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WETMORE introduced a bill (S. 6713) granting an increase of pension to David A. Carpenter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 6714) for the relief of the trustees of the Methodist Episcopal Church South, of Morehead City, N. C.; which was read twice by its title, and referred to the Committee on Claims.

Mr. LONG introduced a bill (S. 6715) to authorize the Auditor for the War Department to readjust the accounts of certain railway companies for transportation of troops since July 1, 1896, and for other purposes; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of New York introduced a bill (S. 6716) granting an increase of pension to Robert B. Thomas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 6717) for the relief of George Bauer; which was read twice by its title, and, with the accompanying papers (which were ordered to be printed), referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 6718) granting an increase of pension to Nathaniel Salg; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 6719) granting an increase of pension to Mary A. Myers; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6720) for the relief of the Boiling Fork Baptist Church, of Cowan, Tenn.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FAIRBANKS introduced a bill (S. 6721) to provide for the purchase of a site and erection of a public building thereon at South McAlester, Ind., T.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 6722) granting an increase of pension to Joseph C. Kinsey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced a bill (S. 6723) to allow appeals in forma pauperis from an inferior to a superior court of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6724) for the relief of D. J. Rogers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 6725) for the relief of A. R. Thomas, administrator of the estate of William A. Thomas, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 6726) granting a pension to Helen Grant; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 6727) granting an increase of pension to Simeon Perry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

EIGHTH INTERNATIONAL PRISON CONGRESS.

Mr. CULLOM. I introduce a joint resolution and ask for its immediate consideration.

The joint resolution (S. R. 92) authorizing the President to extend to the International Prison Congress an invitation to hold the Eighth International Prison Congress in the United States, was read the first time by its title, and the second time at length, as follows:

*Resolved, etc.*, That the President be, and is hereby, authorized and requested to extend to the International Prison Congress an invitation to hold the Eighth International Prison Congress in the United States at such a time and place as may be determined by the executive committee of that congress, known as the "International Prison Commission."

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO ARMY APPROPRIATION BILL.

Mr. HANSBROUGH submitted an amendment proposing to appropriate $200,000 for continuing construction and improvements at the military post at Fort Abraham Lincoln, N. Dak., intended to be proposed by him to the army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

SOLICITOR FOR THE POST-OFFICE DEPARTMENT.

Mr. HOPKINS. I ask unanimous consent to reconsider the vote by which the bill (S. 4162) providing for the appointment of a solicitor for the Post-Office Department and abolishing the office of Assistant Attorney-General for the Post-Office Department was passed by the Senate. It was passed without any consideration, and there is no written report. I think it ought to be reconsidered.

The PRESIDENT pro tempore. When did the bill pass?

Mr. HOPKINS. Day before yesterday, on the 17th.

The PRESIDENT pro tempore. The motion to reconsider will be entered. The Senator from Illinois moves that the House be requested to return the bill to the Senate. That order will be made, in the absence of objection.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On January 17, 1905:

S. R. 84. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President-elect on March 4, 1905, etc.

On January 18, 1905:

S. R. 24. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Luis Bográn H., of Honduras;

S. R. 78. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Frutos Tomas Plaza, of Ecuador; and

S. 5088. An act to aid the Western Alaska Construction Company.

On January 19, 1905:

S. 5889. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River; and

S. 6261. An act permitting the building of a railroad bridge across the Mississippi River at the city of Minneapolis, State of Minnesota, from a point on lot 2 to a point on lot 7, all in section 3, township 29 north, range 24 west of the fourth principal meridian.

ADDITIONAL JUDGE FOR DISTRICT OF NEW JERSEY.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 5768) to provide for an additional judge of the district court of the United States for the district of New Jersey.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLOSING OF PART OF ALLEY.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 6088) authorizing the closing of part of an alley in square No. 733, in the city of Washington, D. C.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, page 2, line 24, before the word "value," to strike out "assessed" and insert "true,"

so as to read "equal to the true value per square foot of said original lot No. 3."

The amendment was agreed to.

The next amendment was, in section 1, page 3, line 1, to strike out "according to the most recent assessment of said last-mentioned lot" and to insert "as determined by the board of assistant assessors of the District of Columbia;" so as to read:

And that part of said original lot 3 hereinbefore mentioned, equal to the true value per square foot of said original lot No. 3, in said square No. 733, as determined by the board of assistant assessors of the District of Columbia, which said deed of conveyance by said Commissioners upon its execution and delivery and the conveyance aforesaid of said hereinbefore first-mentioned part of said original lot No. 3 and the payment of the purchase money aforesaid shall operate to divest the United States of their title to the land composing said part of said alley so conveyed and vest the same in the said James Cardinal Gibbons, archbishop of Baltimore.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 15, after the word "aforesaid," to insert the word "shall;" so as to make the section read:

SEC. 2. That said part of said original lot 3, when conveyed to the United States, shall be forever used as an alley, and that the said Commissioners upon receipt of the purchase money aforesaid shall cover the same into the Treasury of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### PAY INSPECTOR E. B. ROGERS.

Mr. HALE. I ask leave to call up the bill (S. 4778) for the relief of Pay Inspector E. B. Rogers, United States Navy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to E. B. Rogers, pay inspector, United States Navy, $1,000, this sum to be a payment in full for all losses of personal property incurred by him by reason of the destruction by fire of the Windsor House at Yokohama, Japan, on the morning of February 8, 1886.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### LODE CLAIMS IN ALASKA.

The PRESIDENT pro tempore. The Calendar is before the Senate under Rule VIII.

The bill (S. 5183) to modify the law pertaining to the acquisition and holding of lode claims in the district of Alaska was announced as first in order on the Calendar.

The PRESIDENT pro tempore. The bill was considered as in Committee of the Whole yesterday, and the first committee amendment was agreed to. There are other amendments reported from the Committee on Mines and Mining.

Mr. HOPKINS. That is the bill to which the attention of the Senate was called yesterday?

The PRESIDENT pro tempore. It is.

Mr. HOPKINS. I ask that it be laid aside for the present.

The PRESIDENT pro tempore. The Senator from Illinois objects to the present consideration of the bill. It will go over without prejudice.

### RESTORATION OF AMERICAN CITIZENSHIP.

The bill (S. 4438) to restore American citizenship to any woman whose citizenship has been lost or suspended by marriage with a foreigner was announced as next in order.

The PRESIDENT pro tempore. The bill has heretofore been considered as in Committee of the Whole. It went over yesterday on an objection by the Senator from Connecticut [Mr. PLATT].

Mr. HALE. It should go over again, because some Senators who desire to speak upon it are not present.

The PRESIDENT pro tempore. The Senator from Maine asks that the bill may go over. It will go over without prejudice.

### ACCEPTANCE OF DECORATIONS.

The bill (S. 4947) granting permission to George W. Hill, Henry E. Alford, G. B. Brackett, William A. Taylor, H. W. Wiley, M. A. Carleton, and John I. Shulte, all of the Department of Agriculture, to accept decorations tendered them by the Government of France, was announced as next in order.

Mr. CULLOM. I think that bill had better go over.

The PRESIDENT pro tempore. The bill went over yesterday on an objection by the Senator from Connecticut [Mr. PLATT]. It will go over without prejudice.

### TRADE RELATIONS IN FOREIGN COUNTRIES.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

*To the Senate and House of Representatives:*

I transmit herewith a communication from the Acting Secretary of State, accompanied by reports from the diplomatic and consular officers, upon the feasibility of regular cooperation between the two branches of our foreign service for the better promotion of American industry and trade. Basing his conclusions upon the views expressed in these reports, the Acting Secretary recommends that provision be made for six special agents, with the diplomatic rank and title of commercial attaché, to be sent abroad to make practical trial of the proposed plan; to report to the Department of State conditions existing in different countries which might suggest modifications or changes in the general scheme; to prepare, for the Department of Commerce and Labor, reports upon commerce and manufactures, or upon kindred topics, of a more exhaustive and comprehensive character than is ordinarily obtainable at present; and to visit consulates, examine their workings, and suggest such changes, either to the consular officers or to the Department of State, as would tend to the general improvement and strengthening of the service.

It is proposed that these agents shall be chosen primarily for their expert knowledge, but shall be not merely specialists, except for particular investigations that might, from time to time, be required, but practical men of affairs, with the experience best suited to fit them for their executive duties. It is suggested that the consular service might supply the best type of agents desired, and that, for this reason, and also because of the incentive to merit which would thus be provided, appointments should be made preferably from among those consular officers who have demonstrated their special fitness and capacity.

It will, in my opinion, be found upon examination that, while the measure proposed is a modest and more or less tentative one, involving comparatively slight expense, it promises important and far-reaching consequences in the judicious strengthening of our whole foreign service in the interest of trade, and the gradual development of capacities in it but imperfectly available as yet to make it fully adequate to the demands of our productive energy as a nation. Agriculture in the United States has long been dependent for its prosperity upon the demand from abroad for its surplus product; and of late years our manufacturing industries have found that they were outstripping the capacity of even our enormous home market, and are now looking more and more to foreign consumption for relief from accumulating stocks. According to an estimate of the Department of Commerce and Labor, our exports of manufactures in the calendar year 1904 "will not only exceed the highest figures of any earlier year, but may probably pass the $500,000,000 line, as against 434 millions in the high-record year, the fiscal year 1900, 151 millions in 1890, 103 millions in 1880, 68 millions in 1870, and 40 millions in 1860." The magnitude and steady growth of this export movement from our workshops and factories are such as to suggest the grave importance of providing it with all the official apparatus necessary to its full and free development.

It is generally admitted that in recent years the consular service, whatever may be its defects of system, has developed a commercial utility which has been of great practical value. It would be most regrettable, however, if this improvement, which has been brought about by the zeal and energy of individual consuls rather than by the efforts of the service as a whole, and also, to a large extent, by the special direction of the Department of State, should be accepted as fully satisfying even present requirements, not to speak of the prospective demands of a rapidly expanding commerce. For this reason I cordially commend to the consideration of Congress the recommendations of the Acting Secretary of State, looking to the gradual systematizing and equipment of the whole foreign service, by simple and inexpensive means, as an auxiliary, responsive at all points, to what may reasonably be expected of it by the great industrial and commercial interests which are so deeply concerned in enlarging their share of the world's trade.

In view of the interest and importance of the subject to the public, and especially to the business community, I also suggest that authority be given for the printing of a special edition of 5,000 copies of the Acting Secretary's letter, together with the appended reports from diplomatic and consular officers, of which 2,000 copies shall be for distribution by the Department of State.

THEODORE ROOSEVELT.

WHITE HOUSE,
*Washington, January 18, 1905.*

The PRESIDENT pro tempore. Either the Committee on Foreign Relations or the Committee on Commerce have jurisdiction of this subject. It relates to the diplomatic as well as to the consular service. The message will be referred to the Committee on Foreign Relations and printed. There is a large body of documents which were sent directly to the Government Printing Office, it is stated.

### CONDITIONS IN ALASKA.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Territories, and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith a report on the condition and needs of the natives of Alaska, made by Lieut. G. T. Emmons, United States Navy, retired.

Lieutenant Emmons had for many years peculiar facilities for ascertaining the facts about the natives of Alaska and has recently concluded an investigation made on the ground by my special direction. I very earnestly ask the attention of the Congress to the facts set forth in this report as to the needs of the native people of Alaska. It seems to me that our honor as a nation is involved in seeing that these needs are met. I earnestly hope that legislation along the general lines advocated by Lieutenant Emmons can be enacted.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 19, 1905.*

ACCEPTANCE OF GIFT.

The PRESIDENT pro tempore. The next bill on the Calendar will be stated.

The bill (S. 5269) to authorize Mr. Herbert W. Bowen, minister of the United States to Venezuela, to accept a gift conferred upon him by the Shah of Persia, was announced as next in order.

The PRESIDENT pro tempore. This bill was reached yesterday and went over on the objection of the Senator from Connecticut [Mr. PLATT].

Mr. DANIEL. I renew the objection.

The PRESIDENT pro tempore. Objection being made, the bill goes over, retaining its place.

ESTATE OF CHARLES L. PERKINS.

The bill (S. 4276) for the relief of the estate of Charles L. Perkins was announced as next in order.

The PRESIDENT pro tempore. The bill was read yesterday and went over on the request of the Senator from Iowa [Mr. ALLISON].

Mr. ALLISON. I hope it will remain as an objection for the present.

The PRESIDENT pro tempore. The bill will go over, retaining its place?

Mr. ALLISON. Retaining its place.

The PRESIDENT pro tempore. The Chair hears no objection, and that order will be made.

ILLINOIS STEEL COMPANY.

The bill (S. 4409) to extend the jurisdiction of the Court of Claims was announced as next in order.

The PRESIDENT pro tempore. The bill was reached yesterday, read as in Committee of the Whole, and it went over on an objection.

Mr. SPOONER. It is a short bill. I should like to hear it reread.

The PRESIDENT pro tempore. It will be read.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That jurisdiction is hereby given to the Court of Claims, notwithstanding any failure to protest and appeal, to hear and try the claims of the Illinois Steel Company, as assignee, for refund of import duties paid in excess of the duties imposed by law on steel blooms imported during the years 1881 and 1882, and to render judgment in favor of said Illinois Steel Company as in an original suit, notwithstanding section 3477 of the Revised Statutes, for such sums as were paid by the assignor of the Illinois Steel Company in excess of the legal duty: *Provided*, That the petition shall be filed in said court within six months after the passage of this act.

Mr. SPOONER. Let the bill go over.

Mr. HALE. Let it go to the Calendar under Rule IX.

The PRESIDENT pro tempore. The bill will go to the Calendar under Rule IX.

SOUTHERN JUDICIAL DISTRICT OF WASHINGTON.

The bill (S. 2521) to detach certain counties from the United States judicial district of Washington and to create a new judicial district, to be called the southern district of Washington, was announced as next in order.

The PRESIDENT pro tempore. The bill was reached yesterday, and went over without prejudice on the request of the Senator from Connecticut [Mr. PLATT].

Mr. SPOONER. Was the bill reported by the Judiciary Committee?

The PRESIDENT pro tempore. It was; and it went over because, as the Senator from Connecticut stated, he thought there should be an amendment made to it.

Mr. SPOONER. I suggest that the bill go over without prejudice.

The PRESIDENT pro tempore. It will go over without prejudice.

FOREST RESERVATIONS.

The bill (S. 4429) relating to the creation of forest reservations on the public domain, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. The bill was read yesterday and went over on the objection of the Senator from Wisconsin [Mr. SPOONER].

Mr. HANSBROUGH. I will ask that the bill may go over again, holding its place.

The PRESIDENT pro tempore. The Chair hears no objection, and that order is made.

MILITARY TELEGRAPH OPERATORS.

The bill (S. 982) amending the act of January 26, 1897, entitled "An act for the relief of telegraph operators who served in the war of the rebellion," was announced as next in order.

The PRESIDENT pro tempore. This bill was reached yesterday and went over without prejudice on the request of the Senator from Iowa [Mr. ALLISON].

Mr. ALLISON. I object to its present consideration.

The PRESIDENT pro tempore. The Senator from Iowa now objects, and the bill goes over—retaining its place?

Mr. ALLISON. Yes.

The PRESIDENT pro tempore. Retaining its place on the Calendar.

COLVILLE RESERVATION, WASHINGTON.

The bill (S. 5187) to provide for the opening of the remaining portion of the Colville Reservation, in the State of Washington, and for other purposes, was announced as next in order.

Mr. ANKENY. I ask that the bill may go over without prejudice, without losing its place on the Calendar.

The PRESIDENT pro tempore. The Chair hears no objection, and that order is made.

BEACON LIGHT NEAR FAIR POINT, FLORIDA.

The bill (S. 5174) to provide for the erection of a beacon light near Fair Point, in Pensacola Bay, in the State of Florida, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 5, after the word "Bay," to strike out the words:

in the State of Florida, a beacon light for the purpose of marking, day and night, the shoal that projects from said Fair Point into said bay, and for that purpose the sum of —— dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated.

And in lieu thereof to insert:

and for the purpose of paying the salary of the keeper of said beacon light, the sum of $1,440 is hereby appropriated out of any money in the Treasury not otherwise appropriated, said keeper to receive not exceeding $60 per month.

So as to make the bill read:

That the Secretary of War is hereby authorized and directed to cause to be erected on or near Fair Point, in Pensacola Bay, and for the purpose of paying the salary of the keeper of said beacon light, etc.

Mr. MALLORY. Before the question is put on the amendment I call attention to the fact that there is evidently a clerical error, because if the three lines following the point where the amendment begins are stricken out it would leave the bill senseless. I therefore move that the amendment of the committee be amended by striking out after the word "bay," in line 7, down to the word "appropriated," in line 9, and then inserting the amendment proposed by the committee:

and for the purpose of paying the salary of the keeper of said beacon light, etc., the sum of $1,440 is hereby appropriated out of any money in the Treasury not otherwise appropriated, said keeper to receive not exceeding $60 a month.

Without that the bill would be absolutely unintelligible.

The PRESIDENT pro tempore. That seems to be the exact words of the committee amendment. The bill will be read as amended.

The Secretary read the bill as amended by the committee.

The PRESIDENT pro tempore. Is that right?

Mr. MALLORY. No, sir; the amendment of the committee strikes out the words "in the State of Florida, a beacon light for the purpose of marking, day and night, the shoal that projects from said Fair Point into said bay," and those words are absolutely necessary in order to make the bill intelligible. Somebody, possibly it may have been my own error, struck out those words unintentionally.

The PRESIDENT pro tempore. The Secretary will read the bill as proposed to be amended by the Senator from Florida.

The Secretary read as follows:

*Be it enacted, etc.*, That the Secretary of War is hereby authorized and directed to cause to be erected on or near Fair Point, in Pensacola Bay, in the State of Florida, a beacon light for the purpose of marking, day and night, the shoal that projects from said Fair Point into said bay, and for the purpose of paying the salary of the keeper of said beacon light the sum of $1,440 is hereby appropriated out of any money in the Treasury not otherwise appropriated, said keeper to receive not exceeding $60 per month.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Florida to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN MARYLAND.

The bill (S. 852) to establish a fish hatchery and fish station in the State of Maryland was considered as in Committee of the Whole.

The bill was reported from the Committee on Fisheries with an amendment, in line 8, to strike out the words "United States Commissioner of Fish and Fisheries" and insert "Secretary of Commerce and Labor;" so as to make the bill read:

*Be it enacted, etc.*, That the sum of $25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a fish-cultural station in the State of Maryland, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a fish-cultural station in the State of Maryland."

FUR-SEAL FISHERIES CLAIMS.

The bill (S. 3410) to extend to citizens of the United States who were owners, charterers, masters, officers, and crews of certain vessels registered under the laws of the United States, and to citizens of the United States whose claims were rejected because of the American citizenship of the claimants, or of one or more of the owners, by the international commission appointed pursuant to the convention of February 8, 1896, between the United States and Great Britain, the relief heretofore granted to and received by British subjects in respect of damages for unlawful seizures of vessels or cargoes, or both, or for damnifying interference with the vessels or the voyages of vessels engaged in sealing beyond the 3-mile limit, and beyond the jurisdiction of the United States, in accordance with the judgment of the fur-seal arbitration at Paris, in its award of August 15, 1893, and so that justice shall not be denied to American citizens which has been so freely meted out to British subjects, was announced as next in order.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Oregon [Mr. FULTON] to this bill, which has been heretofore considered as in Committee of the Whole, and a number of amendments adopted; but action was not conclusive on the bill because the hour of 2 o'clock arrived. The bill is what is known as the "fur-seal fisheries bill."

Mr. FULTON. All the amendments have been adopted, Mr. President, as I understand?

The PRESIDENT pro tempore. They have been.

Mr. FULTON. Then the bill is ready to be passed, and I hope it will be passed. I ask that it may be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. If there be no further amendments as in Committee of the Whole the bill will be reported to the Senate.

Mr. DOLLIVER. Mr. President, I wish to make a few observations as to that bill before it is passed.

The PRESIDENT pro tempore. The Senator from Iowa has five minutes under the rule.

Mr. ALLISON. I hope my colleague may be allowed all the time he desires. If necessary I will object to the consideration of the bill at this time.

Mr. FULTON. I hope the Senator from Iowa will allow the bill to be considered.

Mr. ALLISON. Very well. Then I ask unanimous consent that my colleague may have such time as he desires to debate the bill.

The PRESIDENT pro tempore. The senior Senator from Iowa [Mr. ALLISON] asks unanimous consent that his colleague [Mr. DOLLIVER] may not be limited by Rule VIII in the extent of his remarks on this bill. Is there objection to the request? The Chair hears none, and the junior Senator from Iowa has no limitation on his remarks in debating the bill.

Mr. DOLLIVER. Mr. President, I think I will ask to have the bill read.

The PRESIDENT pro tempore. Will the Senator from Iowa allow the title to be skipped in the reading?

Mr. DOLLIVER. Yes, sir.

Mr. PLATT of Connecticut. Mr. President, I think the title ought to be read just as much as the bill itself.

The PRESIDENT pro tempore. The title will be read.

Mr. PLATT of Connecticut. The title is very significant, and I hope Senators will pay attention to the reading of the title of this bill.

The PRESIDENT pro tempore. The Secretary will read the title of the bill.

The Secretary read as follows:

A bill (S. 3410) to extend to citizens of the United States who were owners, charterers, masters, officers, and crews of certain vessels registered under the laws of the United States, and to citizens of the United States whose claims were rejected because of the American citizenship of the claimants, or of one or more of the owners, by the international commission appointed pursuant to the convention of February 8, 1896, between the United States and Great Britain, the relief heretofore granted to and received by British subjects in respect of damages for unlawful seizures of vessels or cargoes, or both, or for damnifying interference with the vessels or the voyages of vessels engaged in sealing beyond the 3-mile limit, and beyond the jurisdiction of the United States, in accordance with the judgment of the fur-seal arbitration at Paris in its award of August 15, 1893, and so that justice shall not be denied to American citizens which has been so freely meted out to British subjects.

The PRESIDING OFFICER (Mr. KEAN in the chair). The bill will now be read as it has been amended.

The Secretary read the bill as amended, as follows:

*Be it enacted, etc.*, That the circuit court of the United States for the ninth circuit shall have jurisdiction and authority to inquire into and finally adjudicate, in the manner provided in this act, all claims of the following classes, namely:

First. All claims against the United States by the owners, charterers, masters, officers, and members of crews of vessels hereinafter named, that were rightfully registered under the laws of the United States, on account of the seizure of vessels and their cargoes, or the interference with the voyages of the vessels named in the list set forth in section 12 of this act as being engaged in unlawful fur sealing, by ships' officers or agents of the United States in the North Pacific Ocean and Bering Sea prior to the 6th day of April, 1894.

Second. All claims of citizens of the United States against the United States whose claims were rejected because the claimants were citizens of the United States by the international commission appointed pursuant to the convention of February 8, 1896, between the United States and Great Britain, arising out of the seizure of vessels and their cargoes or the interference with the voyages of vessels engaged in sealing by officers or agents of the United States in the Pacific Ocean or Bering Sea prior to the 6th day of April, 1894.

SEC. 2. That all claims shall be presented to the court by petition, setting forth in ordinary and concise language the material facts upon which said claims are based, verified by the affidavit of the claimant, his agent, administrator, or attorney in fact: *Provided*, That all claims shall be presented to said court within two years after this act takes effect or shall thereafter forever be barred: *And provided*, That the claims for seizure and damages suffered, if any, in the cases of three schooners, to wit, the Bowhead, Winchester, and Kate and Annie, subsequent to the 6th day of April, 1894, may be inquired into and finally adjudicated in the manner provided in this act.

SEC. 3. That the claimant shall cause a copy of his petition, filed under the preceding section, in which the United States shall be named and proceeded against as the party defendant, to be served upon the Attorney-General of the United States in such manner as may be provided by the rules or orders of said court.

SEC. 4. That it shall be the duty of the Attorney-General to appear and defend the interests of the Government in the suit by a special representative of his office, or by any district attorney of the circuit in which the suit is brought, and within sixty days after the service of petition upon him, unless the time should be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counterclaim, set-off, claim for damages, or other demand or defense whatsoever of the Government in the premises, except that no claim shall be excluded from the jurisdiction of the court because of any limitation as to time or manner of presenting the same, except as hereinbefore provided, or because of the failure of the claimant to appear in any proceeding which may have been commenced against any vessel, its cargo, owner, master, officer, or crew, or to take an appeal from the judgment, decree, or final determination of any court in such proceedings: *Provided*, That should the Attorney-General neglect or refuse to file the plea, answer, demurrer, or defense as required, the claimant may proceed with the case under such rules as the court may adopt in the premises; but the claimant shall not have judgment or decree for his claim or any part thereof unless he shall establish the same by proof satisfactory to the court.

SEC. 5. That in the determination of claims presented hereunder said court shall be governed by the award made and dated August 15, 1893, by the tribunal of arbitration under the treaty between the United States and Great Britain, concluded February 29, 1892, as to the extent of the dominion of the United States in the waters of Bering Sea.

SEC. 7. That in the trial of any suit brought under the provisions of this act no person shall be excluded as a witness because he is a party to or interested in such suit, and any claimant or party in interest is subject to be examined as a witness on the part of the Government.

SEC. 8. That it shall be the duty of the court to cause a written opinion to be filed setting forth, in each case, the specific findings by the court of the facts therein, and the damages to be awarded, and the conclusions of the court upon the questions of law involved in the case, and to render judgment thereon.

SEC. 9. That the said court shall make any special rules of practice not inconsistent with the provisions of this act, and for the hearing of such petitions may prescribe the method of taking testimony by deposition or otherwise in such cases.

SEC. 10. That the claimants or the United States shall have such right of appeal or to a writ of error as is provided for in the statutes of the United States, in other cases, to the United States court of appeals of said circuit, and upon the same conditions and limitations. The mode of procedure in claiming and perfecting an appeal in cases hereunder shall be in accordance with the statutes and rules of practice governing appeals from the circuit court of the United States to such court of appeals: *Provided*, That no appeal or writ of error shall be allowed after six months from the final judgment or decree.

SEC. 11. That the Attorney-General shall report to Congress the suits under this act in which final judgment has been rendered against the United States, giving the date and amount of each, and a statement of the costs taxed against the United States in each case, for the payment of which claims and costs appropriation shall be made by Congress.

*List of American ships or cargoes thereof seized or interfered with in Bering Sea and the Pacific Ocean.*—(1) schooner Alpha, (2) schooner Annie, (3) schooner Anaconda, (4) schooner Allie I. Algar, (5) schooner Active, (6) schooner Angel Dolly, (7) schooner Alice, (8) schooner Bowhead, (9) schooner Bessie Rutter, (10) schooner C. H. White, (11) schooner City of San Diego, (12) schooner C. G. White, (13) schooner Chas. G. Wilson, (14) schooner Columbia, (15) schooner Challenge, (16) schooner Ellen, (17) schooner Emmett Fellтz, (18) schooner Ethel, (19) schooner Emma and Louisa, (20) schooner Fisher

Maid, (21) schooner Geo. R. White, (22) schooner Henry Dennis, (23) schooner James G. Swan, (24) schooner Mary Deleo, (25) schooner Mascot, (26) schooner Mary Brown, (27) schooner Mattie T. Dyer, (28) schooner Mist, (29) schooner Olga, (30) schooner O. S. Fowler, (31) schooner Rose Sparks, (32) schooner Rattler, (33) schooner Rosie Olsen, (34) schooner San Jose, (35) schooner San Diego, (36) schooner Sierra, (37) schooner Sylvia Handy, (38) schooner Sophia Sutherland, (39) schooner Therese, (40) schooner Unga, (41) schooner Venture, (42) schooner Vanderbilt, (43) schooner Volunteer, (44) schooner Willard Ainsworth, (45) schooner Walter L. Rich, (46) schooner Winchester, (47) schooner J. Hamilton Lewis, (48) schooner Kate and Annie, (49) schooner Lily L, (50) schooner La Ninfa, (51) schooner Mollie Adams, (52) schooner J. Eppinger, (53) schooner Laura, (54) schooner Louis Olsen, (55) schooner Louisa D, (56) schooner Alexander, (57) schooner E. E. Webster.

The interest of Capt. Alexander McLean and the joint owners of the schooner Onward and schooner Favorite.

SEC. 12. That this act shall take effect and be in force from and after its passage.

Mr. DOLLIVER. Mr. President, I think this is a claim against the Government that ought to have the very careful attention of the Senate; but before I begin what I have to say about the pending bill, I desire to offer a substitute by way of amendment, which I will ask the Secretary to read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Strike out all after the enacting clause and insert the following:

"That all citizens of the United States who were the owners or charterers of vessels rightfully registered under the laws of the United States, whose vessels or the cargoes thereof were seized by the United States and confiscated in pursuance of law, may have the right within two years of the passage of this act to present their claims for the value of such vessels and the cargoes thereof to the Court of Claims.

"SEC. 2. No citizen of the United States who has heretofore, before any international tribunal or elsewhere, made a claim against the United States under cover of citizenship of a foreign country, or under cover that his vessel sailed under a foreign register, shall be entitled to relief under this act.

"SEC. 3. Nothing herein contained shall be construed to authorize the hearing or trial before said court of any claim for consequential damages arising out of the interference of the laws of the United States with pelagic sealing in Bering Sea.

"SEC. 4. It shall be the duty of the Court of Claims to find: First, what ships were seized and confiscated as aforesaid; second, the value of such ships and their cargoes so confiscated and whether the same were returned to their owners, and to report the facts referred to to Congress without entering any judgment thereon.

"SEC. 5. That this act shall take effect and be in force from and after its passage."

Amend the title so as to read: "A bill to authorize and to provide for the hearing and trial in the Court of Claims of claims by citizens of the United States for damages sustained by the seizure and confiscation of vessels rightfully registered under the laws of the United States which were at the time of their seizure engaged in violation of the laws of the United States and the proclamations of the President from time to time in furtherance of the execution thereof, and report the value of such vessels and their cargoes to Congress."

Mr. DOLLIVER. Mr. President, I am sorry that those Senators who spoke for the Committee on Foreign Relations when this bill first came up for consideration are not now here. It is a bill which, in my judgment, ought to have been carefully considered by the Committee on Claims.

It was said here in a previous session of the Senate that this is an act of equity and justice and that these claims are based upon the fact that the United States has already settled claims the like of these with citizens of Great Britain and with citizens of Russia. It was said, in addition, that this claim of American citizens acquires a very high equity, arising from the circumstance that the claimants, at the peril of life, went to the commission sitting at Victoria under the international award and gave valuable testimony in behalf of the United States.

I have been interested in the Bering Sea seal question ever since I have been in Congress. So when I found a proposition like this pending here my attention was enlisted, and if Senators will be kind enough to hear me for a few minutes I will undertake to explain the actual character of this bill.

It is said that these claimants are citizens of the United States, asking to be treated as we have treated citizens of Great Britain, of Russia, and of other foreign countries in the same situation, and a memorandum is brought here by Senators, which was kindly filed with the Committee on Foreign Relations by our one-time senior counsel before the Vancouver commission, which had to adjudicate the English claims. He makes such a pathetic representation of the character of these American sealers that I have been interested to learn the reputation which was given to them by our counsel before the Paris tribunal, which originally investigated the merits of many of these cases.

I find that Mr. Phelps, in the very opening of his argument before the Paris tribunal, took occasion to state somewhat abruptly the character of these claimants. He said:

Now, sir, what are the questions proposed by the treaty for decision? They are chiefly two, the one the alternative of the other. The first is, and in one view of the case it is the only question, whether the Canadian sealers and the renegade Americans, who seek the protection of the British flag in order to defy with impunity the laws of their country, have a right, to which the United States must submit, to continue the destruction in which they have been engaged?

When I got to meditating upon the plea made for these people on account of their high courage and patriotism, I could not help recalling the description of the business in which they were engaged as revealed in the unanswerable statement of the American case made by Mr. Justice Harlan in delivering his opinion as a member of the Paris tribunal. He states facts which enable us to judge what manner of men these are who now seek to persuade us to reimburse them for the inconvenience which they suffered by reason of the execution of our laws during the years when we were trying to save the life of the seal herd in Alaskan waters.

The great jurist said, referring to the habits of the Alaskan fur seal:

They go from the islands into the sea as often as nature suggests to be necessary for the purpose of obtaining fish for food, by which they are nourished while suckling their young. A cow, while nursing its pup, often goes long distances from the islands in search of fish. Captain Shepard, of the United States Marine Service, who examined the skins taken from sealing vessels seized in 1887 and 1889, over 12,000 in number, two-thirds or three-fourths being the skins of females, says: "Of the females taken in the Pacific Ocean and early in the season in Bering Sea, nearly all are heavy with young, and the death of the female necessarily causes the death of the unborn pup seal. In fact, I have seen on nearly every vessel seized the pelts of unborn pups which had been taken from their mothers. Of the females taken in Bering Sea nearly all are in milk, and I have seen the milk come from the carcases of dead females lying on the decks of sealing vessels which were more than 100 miles from the Pribilof Islands. From this fact, and from the further fact that I have seen seals in the water over 150 miles from the islands during the summer, I am convinced that the female, after giving birth to her young on the rookeries, goes at least 150 miles, in many cases, from the islands in search of food."

Such, then, is the nature of the business in which these claimants were engaged. The general character of these claimants has been so perfectly described by Mr. Blaine that I will beg the indulgence of the Senate while I read an extract from one of his letters, preserved in the great argument of Mr. Justice Harlan, to which I have already alluded. When I hear men standing here claiming that these are worthy American citizens, who are simply pleading to be treated as well as we have already treated citizens of Great Britain and Russia, I think Senators will find at least some pertinency in this description given by Mr. Blaine of the whole tribe of seal hunters in the North Pacific. He said:

The United States desires only such control over a limited extent of the waters in the Bering Sea for a part of each year as will be sufficient to insure the protection of the fur-seal fisheries, already injured, possibly, to an irreparable extent by the intrusion of Canadian vessels, sailing with the encouragement of Great Britain and protected by her flag. The gravest wrong is committed when, as in many instances is the case, American citizens, refusing obedience to the laws of their own country, have gone into partnership with the British flag and engaged in the destruction of the seal fisheries which belong to the United States. So general, so notorious, and so shamelessly avowed has this practice become that last season, according to the report of the American consul at Victoria, when the intruders assembled at Unalaska on the 4th of July, previous to entering Bering Sea, the day was celebrated in a patriotic and spirited manner by the American citizens, who at the time were protected by the British flag in their violation of the laws of their own country.

I read that extract from Mr. Blaine in order to throw a side light upon the character of this curious group of claimants, who find their way into the Senate in this bill, prepared, as I am informed, in the most accommodating way for our consideration by our one-time senior counsel before the Victoria Commission.

Now, I wish to go a step further. It was said here that the United States has paid the claims of all British claimants situated as these people are. I deny it. The United States paid, under the award of the tribunal of Paris, claims for the seizure of vessels and cargoes. The number and names of them were all found and determined by the award that was made at Paris.

They were all paid for vessels confiscated, with their cargoes, in the efforts of the United States to execute its own laws. It is not true that the claimants in this bill come here asking to be reimbursed for losses sustained by the confiscation of vessels or of cargoes.

There never was so accommodating a measure drawn for the consideration of the Congress of the United States. It not only passes by our Court of Claims as an instrument for the consideration of questions like this, but it goes so far in its benevolent purpose and in its anxiety to save the court from labor as to enumerate the ships that shall be entitled to a hearing before it. If this were an ordinary effort to permit a class of people to present claims, why should the bill go to the length of naming the vessels that are to be included in the scope of its beneficence?

I undertake to say that of all the vessels, over fifty in number, which are named in this bill, with their status before the court, adjudicated practically in advance by Congress, only seven of

them ever suffered any actual injury at the hands of the United States in its effort to enforce the laws against sealing in Alaskan waters, and those seven during the period from 1876 till the date of the treaty of arbitration. Fortunately we know exactly what vessels were seized and exactly when and exactly what we did to them. Fortunately we know exactly what cargoes were confiscated and what we sold them for, and, therefore, when a list of fifty-seven vessels is presented here it is obvious that they are not such vessels as correspond to the kind of claims which were allowed by the international tribunal in behalf of citizens of Great Britain.

There were allowed by the international tribunal damages for the confiscation of vessels and cargoes, I think about eleven in number, which had actually been taken by the United States in its efforts to enforce its laws. This bill proposes to put on the same footing with them over fifty other ships, only seven of which ever suffered any actual seizure by the Government of the United States while they pursued their nefarious violations of our laws in Alaskan waters.

If you will read the title of this bill you will see a most interesting bit of literature. I do not pretend to be an expert in the framing of bills for presentation in Congress, but I venture to say that never in the history of the Government was a bill drawn with a title like that. It does not confine itself to vessels that were confiscated by the United States under its laws, but it puts them in here and there in the list and adds fifty more, which rely altogether upon the "damnifying interference" with their operations in Alaskan waters as a basis for their claim of redress.

Now, by "damnifying interference" it means that caution and fear which were engendered in the breasts of our own citizens when they contemplated the job of violating the laws of the United States, and Congress is not only called upon by this bill to pay vessels for the damages which seven of them suffered in a collision with our laws, but it is called upon to pay the indirect losses that arose out of the fact that fifty others up and down the Pacific coast and elsewhere were prevented, by their fear of the law, from going into Bering Sea and prosecuting an illicit business. We are actually called upon in this bill not only to pay for losses that people suffered as a penalty for violating our laws, but also to recompense people for their failure to make money, on account of the caution and prudence which prevented them from entering upon a crusade of wholesale lawlessness. I venture to say that never in the history of this Government was a proposition like that presented to the Congress of the United States.

Mr. MALLORY. Will the Senator permit me to ask him a question?

Mr. DOLLIVER. Certainly.

Mr. MALLORY. I should like to inquire of the Senator—he speaks of the violation of law—if the vessels in question were prohibited by the then existing law from going into the area into which they did go and catch seals—whether at that time the law extended to the area into which they went? I understand that subsequently——

Mr. DOLLIVER. The fact about them is that many of them did not leave their ports. They hung like cowards about the ports of the United States and of Canada, and did not even have the nerve to go into Alaskan waters; and they are now asking Congress to pay them for the damages they suffered by the loss of the opportunity which they would have had to violate our laws if they had had the nerve to go into Bering Sea and prosecute this unlawful business.

Mr. MALLORY. Some of them did go in the forbidden area, did they not?

Mr. DOLLIVER. Exactly; and seven of them were seized and confiscated, although in every case except one, I think, after the confiscation proceedings were had, we, out of grace and mercy, returned the vessel to the parties from whom it had been taken.

Mr. MALLORY. As I understand it, in regard to those that went into the forbidden area, they actually violated the law when they went into that area, but subsequently it was determined that we had no right at that time to prohibit their going into that area.

Mr. DOLLIVER. I beg the Senator's pardon. We have a series of statutes on our books now, not one of which has been repealed, beginning in 1867, protecting the seal herd in Alaskan waters; that is to say, in the waters of Bering Sea. It was said here——

Mr. FULTON. Will the Senator allow me to ask him a question?

Mr. DOLLIVER. Certainly.

Mr. FULTON. To what statute does the Senator refer when he says there are statutes protecting the seal herd in the waters of Bering Sea?

Mr. DOLLIVER. I refer to the statute of 1867, and if that does not cover the case, to the statute of 1889.

Mr. FULTON. I have them both, and if the Senator will permit me, I will read them.

Mr. DOLLIVER. Very well.

Mr. FULTON. I think you will admit that neither does that.

Mr. DOLLIVER. I will be very glad to have them read. I intended myself to read them.

Mr. FULTON. I will not read all of them. I will simply call the attention of the Senator to the fact that the statute of 1867 provides:

> No person shall kill any otter, mink, martén, sable, or fur seal, or other fur-bearing animal within the limits of Alaska Territory or in the waters thereof.

Nothing is said about Bering Sea. The statute of 1889, to which the Senator refers, is as follows:

> That section 1956 of the Revised Statutes of the United States—

That is the statute which I have just read, the law of 1867—

> is hereby declared to include and apply to all the dominion of the United States in the waters of Bering Sea.

Mr. DOLLIVER. Exactly.

Mr. FULTON. Not to Bering Sea—not to the entire waters of Bering Sea.

Mr. DOLLIVER. Certainly not. Part of it was recognized as Russian.

Mr. FULTON. But to the dominion of the United States in Bering Sea.

Mr. DOLLIVER. I will undertake to show that it was the uniform interpretation of our Government of the act of 1867 that it not only applied to the islands and lands in Alaska, but that the expression "Alaskan waters" was applicable to the whole ocean area which we had received from Russia.

Mr. FULTON. Will the Senator answer this question: Does not the Senator recognize that there is a distinction between a statute which said "the waters of Bering Sea" and a statute which simply says "the dominion of the United States in the waters of Bering Sea?"

Mr. DOLLIVER. Our Government understood that expression to refer to the fact that a portion of the waters of Bering Sea were under the dominion of Russia, and there never was a moment, until the Paris tribunal rendered its decision, when any Department of the Government of the United States acquiesced in the proposition that our dominion was not perfect over all the waters of Bering Sea except that portion under the jurisdiction of Russia. I will not call attention to all the proclamations of the President and the Secretary of the Treasury issued in pursuance of law, but content myself with the proclamation of President Harrison in 1889, since it not only recites our laws but gives the interpretation put upon them both by the executive department and by our courts.

PROCLAMATIONS.

[No. 1.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

The following provisions of the laws of the United States are hereby published for the information of all concerned:

Section 1956, Revised Statutes, chapter 3, Title XXIII, enacts that—

"No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal within the limits of Alaska Territory, or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than two hundred nor more than one thousand dollars, or imprisoned not more than six months, or both, and all vessels, their tackle, apparel, furniture, and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur seals, under such regulations as he may prescribe, and it shall be the duty of the Secretary to prevent the killing of any fur seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law nor shall he grant any special privileges under this section."

* * * * * * *

Section 3 of the act entitled "An act to provide for the protection of the salmon fisheries of Alaska," approved March 2, 1889, provides that:

"SEC. 3. That section 1956 of the Revised Statutes of the United States is hereby declared to include and apply to all the dominion of the United States in the waters of Bering Sea, and it shall be the duty of the President at a timely season in each year to issue his proclamation, and cause the same to be published for one month at least in one newspaper, if any such there be, published at each United States port of entry on the Pacific coast, warning all persons against entering such waters for the purpose of violating the provisions of said section, and he shall also cause one or more vessels of the United States to diligently cruise said waters and arrest all persons and seize all vessels found to be or to have been engaged in any violation of the laws of the United States therein."

Now, therefore, I, Benjamin Harrison, President of the United States, pursuant to the above-recited statutes, hereby warn all persons against entering the waters of Bering Sea within the dominion of the United States for the purpose of violating the provisions of said section 1956,

Revised Statutes; and I hereby proclaim that all persons found to be or have been engaged in any violation of the laws of the United States in said waters will be arrested and punished as above provided, and that all vessels so employed, their tackle, apparel, furniture, and cargoes, will be seized and forfeited.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 21st day of March, 1889, and of the independence of the United States the one hundred and thirteenth.

[SEAL.] BENJ. HARRISON.

By the President:

JAMES G. BLAINE,
*Secretary of State.*

Mr. FULTON. I will ask the Senator whether, as a matter of fact, the Paris tribunal did not ultimately hold that the dominion of the United States in Bering Sea did not extend beyond the 3-mile limit?

Mr. DOLLIVER. They did.

Mr. FULTON. Then that was the dominion of the United States in Bering Sea.

Mr. DOLLIVER. That proposition was made here on the other occasion when this matter was up for discussion. I am sorry the venerable Senator from Alabama [Mr. MORGAN], who introduced this bill, is not present, because he was among those who most zealously defended the jurisdiction of the United States over Bering Sea.

It was said here the other day that the award of the Paris tribunal effectively repealed our statutes. I denied it then. I am glad that I am now able to deny it in the language of the venerable Senator from Alabama [Mr. MORGAN].

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. DOLLIVER. Certainly.

Mr. FORAKER. I was present when the debate was had in the Senate a few days ago to which the Senator doubtless refers. I do not remember that any such statement as that which the Senator now says was made, namely, that the Paris tribunal award repealed our statutes. Nobody contended for that.

What I have always understood about it was simply that our statutes prohibited the taking of fur seals in Alaska or in the waters thereof, and the order issued by the Secretary of the Treasury, first by Mr. Sherman and afterwards by other Secretaries, all issuing the same order simply repeating the order of Mr. Sherman, used the same language—"in Alaska or in the waters thereof." It was an open and controverted question whether "the waters thereof" covered the whole of Bering Sea or whether they were only the waters within the 3-mile limit. The tribunal at Paris held that "the waters thereof" would be limited to the 3-mile limit, and therefore there was no statute of the United States applicable at the place where these vessels were seized.

That has been the contention, as I understand, all the way through, of the Senator from Alabama [Mr. MORGAN] and of others who shared the same view.

Mr. DOLLIVER. It is true that no direct statement was made here that our statutes had been repealed, but it certainly was suggested that the tribunal at Paris, by its award, in a certain sense superseded at least the application of our statutes to those waters.

Now, the Senator from Alabama [Mr. MORGAN], in a report made to the Senate on April 16, 1896, states with perfect distinctness what the jurisdiction of the Paris tribunal was and what the effect of its decision was upon our case. He says:

It can not be too firmly stated, or too often, it seems, in view of the apparent indifference to the fact, that the award of the tribunal of arbitration had no other purpose, result, or effect than to insert in that treaty and to secure by its sanctions the mutual and definite rights and obligations of both the high contracting powers as to which they had been unable to come to an agreement.

In this award certain rights of the United States were left undisturbed and unquestioned, the same not having been submitted to the tribunal of arbitration; among these are:

1. The free and full assertion of every right and claim of right to the ownership and control of the Alaskan seal herds that the United States may choose to assert, as against any Government except Great Britain.

2. The right to regulate and restrain our own people in all their conduct in reference to fur seals in any waters of the oceans or seas, and to punish their violation of those legal restrictions.

So it will appear that it was not necessary for the United States to have or to assert exclusive jurisdiction of Bering Sea in order to give validity to its statutes preventing the extermination of the seal herd which we own in Alaskan waters, at least so far as our own citizens were concerned.

Mr. FULTON. Will the Senator allow me?

Mr. DOLLIVER. Certainly.

Mr. FULTON. I do not think the Senator understands the position of those who favor this bill, if he understands them to be contending that the United States may not, if it sees fit so to do, prohibit any vessel sailing under the American flag from taking any fish in any water. But what we contend is that the United States has not done so.

In the first place, I undertake to say that the United States would never have enacted any legislation on the subject had it supposed it would apply only to her own citizens. In the next place, I undertake to state, or at least it is my conviction, that the United States has not enacted any legislation that applies throughout the entire waters of Bering Sea.

The only thing that has been enacted is the statute forbidding the taking of seals within the dominion of the United States in Bering Sea. The question was, then, Was Bering Sea an open sea or a closed sea? If it was a closed sea——

Mr. DOLLIVER. We never raised that question.

Mr. FULTON. Other nations raised it.

Mr. DOLLIVER. Not until 1889, I think.

Mr. FULTON. Yes, the people raised it. It was disputed all the time. It was contended all the time that it was an open sea.

Mr. DOLLIVER. These people——

Mr. FULTON. All persons engaged in sealing contended that it was an open sea, and that the dominion of the United States did not extend beyond the 3-mile limit. That was the contention always.

Mr. DOLLIVER. It was our contention at Paris that we received that sea from Russia, and I believe that the record indicates that there was never any reasonable dispute of that until the proceedings from which the seal arbitration arose. I have always felt a good deal of satisfaction in the fact that our representatives there, Mr. Justice Harlan and the Senator from Alabama [Mr. MORGAN], throughout that whole controversy ably and effectively maintained that position of the United States. It had never been disputed by anybody here.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. FORAKER. I dislike to interrupt the Senator from Iowa.

Mr. DOLLIVER. It is no interruption at all.

Mr. FORAKER. But if he does not object, I should like to suggest a little change in the language employed. They very ably, but very ineffectively, maintained that proposition.

Mr. DOLLIVER. They were outvoted by strangers to our rights.

Mr. FORAKER. They were outvoted, and we accepted the result, which was that it was not a closed sea, but an open sea.

That is not all. It was a controversy about which there was a difference of opinion among the representatives of our Government, both at home and abroad. When the first seizures were made, it will be remembered—the Senator has a memorandum before him, a copy of which I have, which shows it—that Secretary Bayard directed that those vessels be released, after they had been seized, or some of them.

I have not pursued this matter with enough care to be able, at this time, to give the dates, but I will later. Other Secretaries followed the ruling he made. So while seizures were made upon the theory that it was a closed sea, our own officials at different times had taken the opposite view, and it was a controverted question which we finally submitted to the Paris tribunal. There it was held that it was an open and not a closed sea, and, therefore, our statutes could not apply beyond the 3-mile limit. Those who fished beyond the 3-mile limit in the open sea were wrongfully seized, and being wrongfully seized we remunerated the British and everybody else whose vessels we had seized. And now the only question is whether we will reimburse our own for whatever damages they may have sustained.

Mr. DOLLIVER. If the honorable Senator had been present he would have understood that I have no controversy that I care to insist on with that. I am perfectly willing to reimburse our own people for any kind of injuries, for the like of which we have reimbursed English or Russians or anybody else.

Mr. FORAKER. That is all we ask.

Mr. DOLLIVER. On the contrary, we reimbursed the English for the seizure and confiscation of vessels, and expressly were exempted by the finding of the court from being called upon to pay consequential damages. Now, we know exactly how many English vessels we seized. We paid for them. We know exactly how many American vessels we seized. We are willing to pay for them, or at least to have the matter adjudicated.

We seized seven American vessels altogether, and yet this bill puts in here a list of nearly fifty vessels, and instead of limiting our financial jeopardy to such damage as we paid to the British people it has invented a beautiful phrase, "damnifying interference," and wants us to stand up and pay them

for the exercise of the caution which kept them out of a business which we had declared was unlawful.

Mr. FULTON. Will the Senator allow me to ask him how many cargoes were seized?

Mr. DOLLIVER. Seven vessels with the cargoes thereof.

Mr. FULTON. With the cargoes thereof, but in many instances were not the cargoes seized?

Mr. DOLLIVER. Our record does not indicate that.

Mr. FULTON. And the ships turned free?

Mr. DOLLIVER. We usually took the vessels with a revenue cutter and carried them to a neighboring port and condemned and confiscated them. In several cases——

Mr. FULTON. I do not undertake to say, because I do not recall, but I do remember in looking over the records in the Department that there are instances where on the return it is noted "cargoes taken; so many furs seized; ships not taken."

Mr. DOLLIVER. Now, then, Mr. President, here is a list of fifty-seven vessels. The United States seized, and damaged by seizing, seven vessels only. Is there a man in the Senate Chamber who knows what the other fifty vessels are? Is there a man on earth who knows when their claim of damages originated? I venture to say they are of one of two classes of vessels. I notice that this bill carries our liability in behalf of these people down to 1894, whereas the foreign claims all originated prior to the treaty of arbitration. Therefore, as near as I can make it out, the vessels are of one of two classes. Either they are vessels which hovered along that coast between 1876 and the time of the Paris treaty, or else they are vessels that have been hindered—have suffered "damnifying interference" on account of the desire of the United States to execute the modus vivendi that was agreed upon pending the arbitration at Paris.

Now, does my honorable friend, the Senator from Oregon, know whether the damages to these vessels originated prior to the modus vivendi or are these damnifying interferences under the operation of the modus vivendi? In other words, I should like somebody to tell me why our liability in this matter is brought down to 1894, when our liability, so far as Englishmen and Russians are concerned, expired with the ordering of the Paris arbitration?

Mr. FULTON. May I ask the Senator a question?

Mr. DOLLIVER. Certainly.

Mr. FULTON. When does the Senator contend that the modus vivendi went into force?

Mr. DOLLIVER. I think in 1891.

Mr. FULTON. My recollection is that it did not go into force until 1892—in June, 1892. I may be mistaken. I think it was agreed to probably some time, or there was some arrangement made, in 1891. I do not recall which. But my recollection is that not until June, 1892, did the modus vivendi go into force, too late to notify the sealers for that season, because they had all gone up there and were engaged in fishing without notice of it.

Mr. DOLLIVER. I have had a little opportunity to study this list of fifty-seven vessels, and with the permission of the Senate I will call attention to the vessels involved in this list that were actually disturbed by the officers of the United States.

The first was the schooner *Angel Dolly*, which the record indicates was seized in July, 1886. She was under the lee of Otter Island, near St. Paul. She now lies on the beach at Unalaska. Although we gave her back, the owners refused to take her after the confiscation proceedings had been concluded. That vessel is in the list for its claim to be adjudicated by the circuit court of the United States, when the record indicates that she was seized right up under the lee of Otter Island, engaged in killing seals practically on our land, and we confiscated her and then left her to be recovered by her owners, and they left her rotting where she now lies. How does that ship happen to get upon this list to have her claim adjudicated?

Mr. FULTON. If the fact be as the Senator states in regard to that ship, does he contend that under the provisions of this bill anything could be recovered on her account?

Mr. DOLLIVER. I fear so. It says this is a list of vessels or cargoes thereof seized or interfered with, and it leaves the court only to adjudicate the amount of the damage.

Mr. FULTON. That list is appended——

Mr. DOLLIVER. It does not seem to be appended.

Mr. FULTON. For some reason or for some purpose which the committee had; I do not know what. The Government is not bound by the mere fact that that list is there. It is simply a list of vessels that have claims.

Mr. DOLLIVER. It is a very queer thing to have in there as a part of the bill.

Mr. FULTON. Under the provisions of the bill the Senator will observe that only such vessels are affected as have suffered loss while engaged in pelagic sealing and as are registered under the flag of the United States.

Therefore they must be American vessels and must have American register and they must have been engaged in pelagic sealing. In other words, they must have been engaged in deep-sea sealing and more than 3 miles distant from the coast.

Mr. SPOONER. Will the Senator allow me for a moment?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. DOLLIVER. Certainly.

Mr. SPOONER. I concur, so far, with the Senator from Iowa in his criticism of the inclusion in the bill of this list.

Mr. FULTON. I do, too. I would have it struck out.

Mr. SPOONER. There is one ship included in this list the facts as to which I am informed are as follows—I refer to the *J. Hamilton Lewis*.

Mr. DOLLIVER. That ship has a very interesting history.

Mr. SPOONER. Am I depriving the Senator of the privilege of giving it?

Mr. DOLLIVER. I have the information here, but I will gladly yield to the Senator from Wisconsin.

Mr. SPOONER. No.

Mr. DOLLIVER. Here is the schooner *Henry Dennis*. We know everything that happened to the *Henry Dennis*. She was owned by a gentleman in San Francisco and was seized, I think, in 1876, ordered to San Francisco, subsequently released, but I have no doubt that the owner of that vessel would be on hand claiming damage to the cargo and damnifying interference which our laws made with his business in Bering Sea.

Mr. FULTON. At the risk of interrupting the Senator from Iowa——

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield; and if so, to which Senator?

Mr. DOLLIVER. Certainly.

Mr. FORAKER. I only want to ask the Senator if, with reference to that ship, he can state where it was seized and by whom it was released, at whose order, and on what ground?

Mr. DOLLIVER. It was seized in 1876, I think, by a revenue cutter, taken to San Francisco, and condemned under the confiscation laws of the United States in such cases made and provided.

Mr. FORAKER. And her skins confiscated?

Mr. DOLLIVER. I have no doubt of it.

Mr. FORAKER. Everything confiscated and then subsequently released, as the Senator said, and returned to her owners. By whose order was she released and on what ground?

If the Senator has not the facts before him, I will state that it was held by the Secretary of State, at that time Mr. Evarts, I believe, that it was not a closed but an open sea, and that the seizure was wrongful.

Mr. DOLLIVER. No; I think that question did not enter into it. I think it was regarded by the Executive Department as a hardship on the hardy mariners, and that it would be an act of grace, having stopped their invasion of Bering Sea, to give them their vessels back, for honest mercantile pursuits.

I find here a vessel, the schooner *Mattie T. Dyer*, seized in 1888, and released, and I find the schooner *San Diego*, which was seized in 1876.

Mr. SPOONER. You do not mean 1876?

Mr. DOLLIVER. Yes, sir.

Mr. FORAKER. That is the one the Senator was talking about a moment ago when I interrupted him and made an inquiry.

The *San Diego* was seized in 1876, under the Administration of Mr. Hayes. She was seized while engaged in pelagic sealing in the open sea, as I understand the record shows, and after the ship had been confiscated, the cargo had been confiscated, and the owners had been stripped of everything, the Government came to the conclusion that it was a wrongful seizure and returned the ship.

Mr. DOLLIVER. In 1876 there was not a human being on earth, in the United States or anywhere else, who either doubted or denied our perfect jurisdiction over the waters of Bering Sea.

I find here the vessels the schooner *Mollie Adams* and the schooner *J. Hamilton Lewis;* and I became interested in the latter for many reasons. It has had a very spectacular career on the high seas. There is a vessel which, under the name of *The Ada*, with a tonnage of sixty-eight, and a value of $7,000, or a hundred and three dollars per ton, was seized and damages were claimed by an Englishman. She was appraised and sold for $1,900. Under the name of *The Ada* we paid the Englishman for that vessel.

It afterwards became, according to the official record, the *J. Hamilton Lewis*. They painted out the original name and put a more imposing inscription on the vessel in plain sight of the world, and under the name of *J. Hamilton Lewis* the records of our controversy with Russia indicate that the vessel went over there and was chased by Russian revenue cutters, was seized, and suffered various "damnifying" injuries, and our State Department, at great expense and with all the pomp and ceremony of international justice, collected $60,000 from the Russian Government.

And now we have the vessel, not even having had the grace to change its name, brought in here in order to enjoy this feast of "damnifying interference" that is about to be furnished forth by the Government of the United States.

Now, I say that if a vessel—I do not care what may be the skill of its owners in the seal business—can successfully rob two Governments, and then, with the official records before us, come in here and persuade us to allow it to participate in a third division of spoils, its owner, whatever his nationality, is entitled to a place in history that he probably will never get.

If a thing like that could be done, it would more than justify the early-time practice in the State of my friend the Senator from Kansas [Mr. LONG], where, as I was informed when I was down there, they had a statute giving a bounty for the scalps of the innocent and unoffending gopher, and some counties practically went bankrupt by a bonded indebtedness, incurred while they were trying to pay for those gopher scalps. Afterwards it was discovered that a good many of the scalps did business in several counties. But here is a vessel that has robbed two nations already. We got $60,000 out of Russia, using in the service of this vessel all the machinery of the State Department of the United States, and now here we have it, with its name written in the body of this bill as a participator in the moneys that are to be paid for "damnifying interference."

That leads me to recapitulate a little, because I do not want to weary the Senate. I am willing to let any man who lost a vessel or a seal skin by his collision with the laws or executive orders of the United States go into court for the purpose of proving the value of his vessel and cargo, reserving to Congress the discretion whether to pay or not. But I do not purpose, if I can help it, to allow this scheme to go through, at least without discussion, by which fifty additional vessels that we never touched are brought here for the purpose of being paid consequential damages, not for any losses that they sustained, but for the unrealized profits incident to their failure to get on the ground in time to violate our laws effectively. I do not believe that ought to be done; and it certainly ought not to be justified by a plea of equity to our own people, because we never did such a thing as that for Englishmen. I appeal to my friend from Oregon to say whether any damages were ever allowed to an Englishman or a Russian or to anybody else for our "damnifying interference" with their sealing fleets.

Mr. FULTON. I will say in answer to the Senator that I have not gone over the report of the proceedings at Victoria, where the tribunal sat, but it has been my understanding that those who were sent out to sea, having gone there prepared to fish and who were sent away, were allowed something. I may be mistaken about that.

Mr. DOLLIVER. I think my friend is mistaken about that, because——

Mr. FULTON. I will not assert it as a fact.

Mr. DOLLIVER. Because that question did not arise at Victoria. The people who were entitled to damages were all settled by name and description in the award of the Paris tribunal, and the business of the tribunal at Victoria, commonly called the Vancouver Commission, was to determine the amount of damages, and we, knowing that only a small damage had been suffered, hired great lawyers and sent them out there to represent the United States.

These people claimed nearly thirteen hundred thousand dollars from us, when there was not a sailor on the Pacific coast who did not know that the vessels we had captured were worth less than $200,000. And yet they had claims against us for twelve hundred and eighty-nine thousand dollars, and we had I do not know how many lawyers——

Mr. FULTON. That was the trouble; there were too many, I think. The claims of how many ships did the Senator state were adjudicated there?

Mr. DOLLIVER. The Paris tribunal gave access to that court to eleven vessels, if I remember aright.

Mr. FULTON. I call the Senator's attention to the fact that there were others whose claims were adjudicated in addition to those. I hand the Senator a copy of the report, in which it appears that there were some twenty claims adjudicated.

Mr. DOLLIVER. Now, then, those people claim that we not only ought to pay them the value of their vessels, as we did the Canadians, but that we ought to pay them consequential damages which arose out of their failure to pursue their business in peace and quiet. But that court, upon motion, ruled out all consequential damages, so that no Englishman has ever been paid for any "damnifying interference" with his catch of seals in that sea, and no Russian has been paid for such damages. Therefore this proposal to put these people upon the same plane that we placed the subjects of England and Russia seems to me to be wanting force, to say the least.

But one point interested me very much, because I am an admirer of bravery and courage and patriotism, whether on the high seas or anywhere else. It is said that these were a brave and hardy lot of sailors, who are entitled especially to our consideration, and our one-time senior counsel at Victoria filed with the Foreign Affairs Committee a memorandum which apparently has governed the action of that committee in the disposition of this matter. I am not going to criticise our one-time senior counsel, except I will say that if I had hired a lawyer to defend me against a damage suit and he had spent his days defending me against that suit and the evenings hunting up claims more numerous twice over from another quarter against me, I should feel that I was wasting my money on that kind of counsel. Yet he comes here and says that it came to his knowledge at that time that these people ought to be paid and, having disposed of the case he was employed to defend, he asks us to take up the case of these American claimants.

I am not going to debate what he says about it, because I do not want to get involved in an unpleasant controversy over the matter; but I can hardly credit the suggestion that we owe very much to the testimony of this American sealing fleet in the final adjudication of those claims at Vancouver. He says that their testimony enabled him to reduce the British claims from twelve hundred thousand dollars, I think, to about four hundred thousand dollars. I may not be accurate about that. I know one thing about it, that eight hundred thousand dollars of that reduction did not arise out of anybody's testimony, but it arose out of the fact that the court took the view that consequential damages should not be allowed.

I am not going to quarrel with our one-time senior counsel in his tribute to the bravery of these people, but I must confess he is carrying it a little too far. I see that he pays a magnificent tribute to one of the officers of the *J. Hamilton Lewis*, schooner—that is, Captain McLean. He says that McLean was a very brave man, "as brave a man as ever trod a deck or faced a gale," and then he undertakes to illustrate the courage and patriotism of Capt. Alexander McLean, of the *J. Hamilton Lewis*, by saying:

> Patriotism is the master motive of sailors the world over. Their country's flag is their defense, and when it flies above them is the symbol of their country's power.

Now, there is truth in that, and yet I am afraid it is not entirely verified by what he says of Captain McLean, for I intend to read his description of the captain's courage and patriotism in the midst of adverse circumstances. He spent much of his life, fourteen years according to his own statement, as a sealer, seven of them under the English flag. So a record of our Government shows. In all that time he was engaged in an honest effort to beat our laws so far as I can find out, and I do not believe that he or those who went up there with him to testify are entitled to very much credit on that account; at least I can not find that this description of his courage and patriotism is very impressive. Our one-time senior counsel, in the memorandum obligingly left by him with the Senate committee, says:

> In the year 1889, while in command of the American schooner *James Hamilton Lewis*, he was cruising along the Pacific coast looking for seals, when he found it necessary to seek shelter from a storm that was approaching, and anchored his vessel in a place called "Drakes Bay." During the day some twelve Canadian sealing schooners also entered the harbor, seeking shelter.
>
> About midnight he was aroused and was informed that the captain of the British schooner *Maggie Mc* wished to see him on board his vessel. He accepted the invitation and went on board the *Maggie Mc*, and found about fifteen Canadians in the cabin having what is called a good time—

I reckon a "good time" on the high sea is substantially the same thing that it is on land—

> each one appearing to be somewhat under the influence of liquor.

He need not have added that—

> He soon learned that trouble was ahead, as the Canadians showed a disposition to have a row—

A thing which usually happens in cases of that kind—

> and before long he was attacked by the crowd. After a tussle and much confusion crews from other vessels, including his own, came on board and rescued him.
>
> He was much battered after the conflict, but succeeded in reaching his vessel, and next morning, finding that his schooner was the only one in the harbor flying the American flag, concluded to leave such

undesirable company. He set sail and when about to leave the harbor noticed that the Canadians acted as though he was running away from them, each vessel having her British flag flying. He was determined to let them see that he was not afraid of them or their flag, so he ordered the American flag hoisted and loaded a cannon with beans and salt, and passed between the Britishers firing several shots of salt and beans at the crews on the British vessels until not a head could be seen on deck.

Now, our one-time senior counsel at Vancouver puts that down as a historical incident to illustrate the courage and patriotism that must actuate these people. I confess that I do not exactly understand that variety of courage. I have never read anything like that in a book—a man getting into a drunken row on shipboard, withdrawing from it more or less battered, going to his own vessel, raising the flag of the United States, and defying its enemies by a cannon loaded with beans and salt. I do not recollect anything like that in the history of the American Navy, and I confess it makes a very poor impression upon me.

The fact is that fifty of these vessels never suffered any damage from the United States at all, except the indirect damage which arose because they were afraid to go out into the open sea and take the chances of being captured, with their cargoes seized. So far as fifty of these claimants are concerned, I say without the fear of any successful contradiction that they lost nothing except their nerve, and the appearance of this bill here and the favorable progress it has so far made in the Senate would indicate that they have got that back.

All I ask the Senate to do is to confine this recognition to the cases of citizens of the United States who never claimed to be citizens of any other country for the purpose of circumventing our laws, who in sealing in Alaskan waters were seized and their ships and cargoes confiscated or damaged.

If you do that you will include the case of seven vessels, and you can put them on the same level in equity with the citizens of Great Britain and of Russia without dragging in this innumerable fleet of sailing craft from all the harbors of the Atlantic and the Pacific, who for twenty years were hovering off the coast of the Pacific Ocean, engaged in a nefarious effort to violate the laws of the United States as well as to trample under foot the treaty obligations into which the United States had entered.

Mr. BACON. Will the Senator permit me to ask him a question before he concludes?

Mr. DOLLIVER. Certainly.

Mr. BACON. For my information, as the Senator seems to have given the facts of this case very thorough investigation, I should like to ask him if in the course of such investigation it has been developed to his knowledge whether these various owners of ships had or had not knowledge of the existence of these laws at the time they assumed to violate them?

Mr. DOLLIVER. I will say to the Senator from Georgia that these laws were as well understood there as they were anywhere, but for fear that they might not be understood one Secretary of the Treasury after another, beginning with Mr. Sherman in 1876, including Mr. Manning and Mr. Fairchild and clear down until the Paris award was under full way, every year before the opening of the sealing season there was printed in all the newspapers of the Pacific coast a statement of these laws and a warning by the United States that whoever violated them would have his property seized and confiscated.

Mr. BACON. The Senator will understand the pertinence of the inquiry. It is simply directed to the claim of an equity on the part of these parties, and it was solely for the purpose of getting that information that I made the inquiry.

Mr. DOLLIVER. I appreciate the importance of the inquiry, but my own opinion is that very few of those people went out there without knowing the risk that they took; and while that is so I do not object to paying them for the losses they sustained by our seizure of their vessels. The thing that I object to is to drag in fifty other people, whose only claim is that, being deterred by our laws and the proclamations of the Government of the United States, they held back expeditions for which they had made preparations to raid our seal property in Alaskan waters.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived——

Mr. FULTON. I wish simply to state in regard to this bill——

Mr. NELSON. Does the Senator from Oregon intend to speak on the statehood bill?

Mr. FULTON. I do not intend to speak on any bill at the present time.

Mr. NELSON. Then the Senator does not ask that the unfinished business be temporarily laid aside?

Mr. FULTON. I do not wish at the present time to interfere with the measure the Senator has in charge, if the Senator wishes to go on with it. If not, I would submit a few observations.

Mr. BATE. I will say to the Senator from Minnesota that there would be no objection to the Senator from Oregon going on, and then to a continuation of the discussion on the statehood bill, just laying aside the unfinished business temporarily.

Mr. NELSON. I prefer to go on with the statehood bill at this time.

Mr. BATE. No advantage would be taken of the fact, and when the Senator from Oregon was through we would go on with the unfinished business.

Mr. NELSON. I understand that the Senator from Missouri [Mr. STONE] is ready to go on, and I think the Senate ought to proceed with the unfinished business.

Mr. BATE. The Senator from Missouri is ready to proceed, but I understand that the Senator from Oregon desires to make some remarks on the bill which has been before the Senate.

Mr. FULTON. No, Mr. President, I merely rose to suggest that Senate bill 3410 be laid aside without prejudice, so that it may be called up again at some future time.

The PRESIDING OFFICER. That it be laid aside without losing its place on the Calendar?

Mr. FULTON. Yes; and then I would want to submit some remarks upon it in answer to the eloquent objections of the Senator from Iowa, which were somewhat extravagant.

The PRESIDING OFFICER. The bill will go over without prejudice.

Mr. BATE. When do I understand the Senator from Oregon desires to submit remarks on the bill?

Mr. FULTON. At some future time. I do not wish to interfere with the debate on the statehood bill. I understand the Senator from Missouri wishes to proceed now.

Mr. BATE. That is not material. The Senator from Missouri says it is not material to him to go on now.

Mr. STONE. I will state to the Senator that I shall occupy some time to-day and am ready to go on, but I am perfectly willing to yield to the Senator from Oregon.

Mr. FULTON. Then, if I am not interfering, I would be pleased to go on at present.

Mr. BATE. I will say to the Senator from Minnesota that as soon as the Senator from Oregon is through the Senator from Missouri will take the floor.

Mr. NELSON. I think the statehood bill ought to be taken up now.

Mr. FULTON. Very well.

Mr. BATE. I said as soon as the Senator from Oregon is through we will go on with the unfinished business, as usual.

The PRESIDING OFFICER. The Senator from Minnesota asks for the regular order.

### STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. STONE. Mr. President, it is not my purpose to debate the main questions involved in the pending bill. My views with reference to uniting the four Territories so as to form two States have been already several times stated by other Senaters more strongly than I could hope to state them myself. If I should enter upon this discussion, it would be like thrashing old straw over again.

I am personally familiar with the Territory of Oklahoma and the Indian Territory. The latter lies adjacent to my State, and the other just beyond. Some twenty years ago, before the Territory of Oklahoma was organized, more than once I rode over the country now embraced in Oklahoma, and became familiar with its physical characteristics, its topography, its soil, its water, and its climate. At that time there were practically no settlements there, the only white people being men engaged in ranching—cattlemen.

I believed then, Mr. President, that that Territory held within its borders all the essential elements necessary to the making of a great Commonwealth. The developments of more recent years have shown that I was correct in that impression. The Territory is now inhabited by several hundred thousand intelligent, representative citizens of the United States. The material development of the Territory has been almost phenomenal. There are within its boundaries several cities of

large proportions, and scattered all over the Territory are growing and prosperous towns. Thousands of farms have been opened up and are being successfully cultivated. The development of the Territory in the great industries of agriculture, mining, and manufactures has been marvelous. Oklahoma has all that should be expected or required to entitle it to receive the dignity and advantages of statehood. I believe, therefore, that Oklahoma ought to be admitted as a State on its own account and without reference to the Indian Territory.

The Indian Territory also has everything requisite to statehood, possibly in even a larger degree than Oklahoma. There is no part of the United States of like area possessed of more elements of wealth or which nature has blessed with more of the things necessary to the making of a great and prosperous community. There can be no doubt of this. It is not disputed. It is a matter of general and common knowledge. Every reason exists why each of these Territories should be separately organized and admitted as States into the Union. But though I am strongly of this opinion I am willing, Mr. President, to yield my judgment in this particular and vote to unite these Territories and admit them as one State. I am willing to do that out of deference to what seems to be the dominant sentiment in the Senate and in the Congress. Rather than have these Territories remain as they are, without adequate government, and to hold nearly a million people bound to an unsympathetic and unappreciative executive authority, wielded over them from a distance of 1,500 miles, I am willing to agree to this proposition for a union of these two Territories and for their admission as a single State.

But, Mr. President, I can not get my consent to do the same thing as to Arizona and New Mexico. I can not willingly vote to pass this bill as it stands. I am strongly opposed to the proposition to unite Arizona and New Mexico. Each of these Territories possess all the reasonable requisites of statehood. In area, population, and material development each now surpasses some States already in the Union. Either is vastly larger in area than nine-tenths of the American States. Indeed, there are only two or three States whose area is as large, and in territorial dimensions most of the States are dwarfs in comparison. The population of New Mexico or Arizona is greater than that possessed by most of the States at the date of their admission. The population of either is greater than that possessed by such great States as Illinois and Indiana when they were admitted; and as I have said, it is substantially equal to, and in some instances greater than the present population of several States already represented here.

I can conceive of no good reason why these two immense Territories, with all their splendid possessions and greater possibilities, and with all the elements necessary to the upbuilding of great and opulent Commonwealths, should, against the will of the people who live in them, be forced into a union with each other.

An act of that kind can not be justified upon the ground either of precedent or of right. Therefore I can not willingly vote for that part of the bill, and I feel inclined to vote against the whole measure rather than see what I consider so great a wrong as this perpetrated. When these Territories were organized there was in some degree an implied pledge that in due time, when sufficiently developed to warrant it, they would be admitted as States. They are, almost as a matter of right, inchoate or incipient States in waiting. I do not mean that they are such as a matter of absolute law, but as a matter of right, of moral right, based on precedent. Under the circumstances I believe the proposal to force a union between these two Territories is indefensible.

But, as I stated at the outstart, I did not arise for the purpose of discussing these features of the bill, which are the main questions involved in it. I rose particularly for the purpose of explaining the two amendments I submitted on yesterday.

If this bill is to become a law and the proposed State of Oklahoma is to be admitted, it is important that some legislation removing some of the obstacles to its progress should be enacted. The greatest obstacle that would stand in the way of the progress of the new State would be to continue the restrictions now imposed upon the right to sell Indian lands and to continue their exemption from taxation. So at least it seems to me.

The Indians have all the rights of citizenship enjoyed by other citizens of the Territories, including the right to vote and hold office. Having made citizens of the Indians, we ought to begin to treat them as citizens, and not go on forever treating them as mere wards of the nation, without personal responsibility. They must be taught the lesson of self-reliance and self-dependence. They ought to be made subject, as are other citizens, to the operation of the laws, civil and criminal, that would be enacted by the legislature if the State is created. In a general way, at least, that ought to be true. Possibly some special exceptions might be made, and I believe have been made in this bill, but there ought to be no question, if this State is admitted, as to the status of Indian citizenship. Let me illustrate what I mean. The senior Senator from Nevada [Mr. STEWART] has offered an amendment to the bill, by one provision of which the Indian agent at the Union Agency is made a public administrator and a public guardian of minors for the whole of the Indian Territory, and is required to make his settlements in the Federal courts. I do not believe that ought to be done, if it can be done. To say nothing of the impracticability of the proposition, it ought not to be done, because I can conceive of no reason, and I do not believe a good reason can be given, why the estates of deceased Indians or the estates of Indian minors should not be administered under the jurisdiction of the probate courts, which I assume would be generally established throughout the State, just as the estates of white citizens would be administered. The Indians should be made subject to the same laws which would prescribe the rule of action for the whites.

Mr. President, having these general objects in view, I have moved to strike out the proviso to the first section of the bill and to insert a different proviso. The part I would strike out reads as follows:

> That nothing contained in the said constitution shall be construed to limit or impair the rights of person or property pertaining to the Indians of said Territories (so long as such rights shall remain unextinguished) or to limit or affect the authority of the Government of the United States to make any law or regulation respecting such Indians, their lands, property, or other rights by treaties, agreement, law, or otherwise, which it would have been competent to make if this act had never passed.

The first clause of this proviso is not entirely clear or even intelligible. Evidently it was carelessly drawn. It reads as follows:

> That nothing contained in the said constitution shall be construed to limit or impair the rights of person or property pertaining to the Indians of said Territories (so long as such rights shall remain unextinguished).

In what way, except possibly by a forfeiture for crime, can the personal or property rights of a citizen be extinguished?

Among personal rights is the right of life, liberty, and the pursuit of happiness; and among property rights is the right to acquire property and to use and enjoy it. Such rights can not be extinguished, except for crime. The quoted clause, as here used, is therefore without meaning.

The amendment I have proposed is to strike out the whole proviso of section 1 and to insert the following:

> That nothing contained in the said constitution shall be construed to limit or affect the authority of the Government of the United States to make any law or regulation respecting the Indians of said Territories which it would have been competent to make if this act had never passed: *Provided, however*, That such Indians shall be subject as other citizens to all laws duly enacted by said State, except as may be otherwise provided in this act.

Mr. BATE. Will the Senator be kind enough to tell me where that amendment is to come in the bill?

Mr. STONE. The motion is to strike out the proviso as it now appears in the first section and insert the proposed amendment.

Mr. BATE. Does it strike out the whole section?

Mr. STONE. It is proposed to strike out only the proviso and insert.

If that amendment should be agreed to it would remove all doubt that Indian citizens would be subject, as other citizens would be subject, to all laws enacted for the government of the State, except where specific exceptions have been made. It would make the Indians citizens in a larger and higher sense, and clothe them with the duties and responsibilities, as well as with the dignity, of citizenship. If Senators will compare the amendment with the original text and study the subject with some care, I am confident they will agree that the amendment should be adopted.

So much for the first amendment I have proposed.

Now, as to the other amendment. Section 13, as it appeared in the original House bill, was stricken out by the committee, and that action was agreed to here. For what reason the committee struck this section out I do not know.

Mr. NELSON. Mr. President, if the Senator will yield to me——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. STONE. Yes, sir.

Mr. NELSON. The section was stricken out because it was in conflict with existing law. The committee preferred to leave

the law in reference to the right of alienation of the allotment on the part of the Indians as it is found in the provision in the Indian appropriation act of last session. They did not intend in this bill, simply providing for the admission of that Territory into the Union, to make any change in that matter. That section as it originally stood would have amounted to a practical repeal of all former legislation if it had been allowed to stay in the bill.

Mr. STONE. Mr. President, I will read the section as it appeared in the original bill. It is as follows:

SEC. 13. That any restrictions upon the alienation of allotted lands in Oklahoma and the Indian Territory, except so far as such restrictions apply to the homestead of the allottees, and to the full-blood Indians, shall cease upon the admission of such State into the Union; but nothing in this act shall be so construed as to affect the rights of allottees under any existing treaties or agreements relating to the taxation of allotted lands.

The Senator from Minnesota [Mr. NELSON], as I understood him, says that that section was stricken out because it is in conflict with the existing laws relating to the alienation of Indian lands. Undoubtedly it is in conflict with existing law, for it would change the existing law. But I think the change ought to be made, and ought to be made in this bill if it is to become a law. If the present laws should be continued, they would lock up for years practically the whole of the lands in the Indian Territory and a large part of the lands of Oklahoma. If the State should be admitted under the bill as it stands, the great body of its realty would be burdened with such restrictions on the right of alienation that the path of progress would be blocked for years. It would be a useless and most unwise obstacle to put in the way of the State's development.

I have modified section 13, the section stricken out, and have offered it as an amendment. As I offer it, it reads as follows:

SEC. 13. That any restrictions upon the alienation of allotted lands in Oklahoma and the Indian Territory, except so far as such restrictions apply to the homestead of the allottees and to the full-blood Indians, shall cease at the end of one year next after the admission of such State into the Union. Any land selected as a homestead by an allottee from his or her allotted lands in said Territories while held by the allottee as such homestead shall be nontaxable for a period of twenty-one years from the date of the admission of said State. All allotted lands in said Territories, other than homesteads, shall be nontaxable for a period of two years next after the admission of said State: *Provided*, That whenever any allotted lands are sold the same shall be subject to taxation as other property.

There seems to be a misapprehension, more or less widespread and general, as to the exact status of the lands owned by Indians in the Indian Territory. I have gone over the existing statutes with some care, and I will make an explanation now that may throw light upon the subject and simplify the situation if Senators will attend to what I am saying or examine it in the RECORD.

We all know that under the existing statutes the lands belonging to the Five Civilized Tribes are being allotted in severalty. These allotments have been already practically completed. The Dawes Commission in its last report states that the allotments to the Cherokees, which are farthest behind, will be completed during the present fiscal year. The Choctaw and Chickasaw allotments are substantially completed now, and deeds have been prepared for delivery. The Creek allotments are completed, and the deeds have not only been prepared, but a large number of them, practically all of them, have been delivered. The allotments of the Seminoles have been completed, and they will be entitled to their deeds after March 3, 1906. So much for the allotments.

Now, as to homesteads. The Cherokees have homesteads consisting of lands equal in value to 40 acres of their average allottable lands. These homesteads are inalienable during the lifetime of the allottee, not to exceed twenty-one years from the date of the certificate of allotment. The Choctaws and Chickasaws have homesteads consisting of lands equal in value to 160 acres of their average allottable lands, and these homesteads are also inalienable during the lifetime of the allottee, not to exceed twenty-one years from the date of the certificate of allotment.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. STONE. Yes, sir.

Mr. NEWLANDS. If the Senator will permit me, I should like to ask him the reason for this difference between the allotments made to the Cherokees and those made to the Choctaws? He says that in one case the allotment for a homestead is 40 acres and in the other 160 acres.

Mr. STONE. I presume it is due to the fact that in one case the area for allotment was larger than in the other case.

Mr. NEWLANDS. The area of what?

Mr. STONE. The area of the lands to be allotted was larger, and the number of people entitled to allotments was smaller in one case than in the other.

Mr. NEWLANDS. You mean the allottable area was larger in proportion to the number of the tribe?

Mr. STONE. Yes.

Mr. CLARKE of Arkansas. And not on account of the value of the land.

Mr. NEWLANDS. As I understand, there is no distinction made on account of the value of the land.

Mr. STONE. The difference in the size of homesteads as between the members of the different tribes was not the result of a difference in the value of the lands, but grows out of the reasons I have stated.

Mr. NEWLANDS. The homestead of the Choctaw Indians is 160 acres and the homestead of the Cherokees is 40 acres?

Mr. STONE. Yes.

Mr. NEWLANDS. That would seem to be unfair.

Mr. STONE. Nevertheless it is unavoidable. When the allotments are completed on that basis the lands of each tribe will be practically exhausted. The lands of each tribe will have been taken up by the allotments on that basis.

Mr. NEWLANDS. Can the Senator inform us how large a proportion of the lands in the Indian Territory belong to these Indian tribes?

Mr. STONE. Practically all of them.

Mr. NEWLANDS. Practically all of them?

Mr. STONE. Yes.

Mr. NEWLANDS. And your complaint is, then, that under this proposed law restraint is placed on the alienation of the lands of the new State for almost an indefinite period?

Mr. STONE. Not for an indefinite period, as I will show you presently.

Mr. NEWLANDS. But for a very long period?

Mr. STONE. Well, not for a very long period.

Mr. TELLER. How long?

Mr. STONE. I will show you presently. But let me continue in order.

The homesteads of the Creeks consist of 40 acres, regardless of the value or the character of the land, and it is inalienable for twenty-one years from the date of the allottee's deed. The homesteads of the Seminoles consist of 40 acres regardless of the value or character of the land, and are inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of the deed of allotment. That is all that need to be said about homesteads. It covers the subject.

The Senator from Nevada and the Senator from Colorado ask as to the length of time which must elapse before the lands can be alienated under existing law. I come now to that question.

First, as to the Cherokees. All allotted lands of the Cherokees, except homesteads, are made alienable under a law applicable to that tribe in five years after the issuance of the patents. This law was approved July 1, 1902. As soon as the allotments are completed deeds are to be made to the individual allottees. In the case of the Cherokees the form of the deeds must be approved by the Secretary of the Interior, and all conveyances must receive his approval. The deeds as approved are to be executed and delivered by the governor or head chief of the tribe to the individual allottees. The allotments of the Cherokees will be completed within a few months, before the State could be admitted under this bill, and the deeds now being prepared will be ready for delivery by the time the allotments are completed. After five years from the date of the delivery of the deeds these allotted lands can be sold without restriction.

So we may say that the restriction on the sale of Cherokee lands, other than homestead, will expire under the operation of the statute I have cited in about six years from this date. But in addition to the act I have cited there is another and later provision of law relating to the same subject. There is a provision in the appropriation act of April 21, 1904, to the effect that all restrictions upon alienation, except as to homesteads and minors, are removed on lands of allottees not of Indian blood—that is, of freedmen and intermarried whites. There is now no limitation upon the sale of allotted lands belonging to freedmen and intermarried whites, and, except as to homesteads, restrictions upon the alienation of allotted lands belonging to allottees of Indian blood can now be removed upon the recommendation of the Indian agent at Union Agency and with the approval of the Secretary of the Interior. That is the state of the law as it affects the right of alienation of Cherokee lands.

As to the Choctaws and Chickasaws, under the general law, section 16 of the supplemental agreement of June 30, 1902, the Choctaws and Chickasaws may sell one-fourth of their allotted lands, except homesteads, in one year after the issuance of a patent, and one-fourth in three years, and the balance in five

years. The section of the appropriation act of April 21, 1904, to which I have alluded in connection with the Cherokees, applies also to the Choctaws and Chickasaws.

Now, as to the Creeks, they may sell their allotted lands, except homesteads, in five years from the date of the approval of their supplemental agreement of 1902. This agreement, or the act establishing it, was approved June 30, 1902, and was ratified by the Indians July 26, 1902. So, under this general law, the Creeks may sell all their allotted lands, except homesteads, after July 26, 1907.

Indeed, freedmen and intermarried whites can now sell their allotted lands, except homesteads, under that section of the appropriation act of April 21, 1904, to which reference has been made, as that section also applies to the Creeks; and Indians may sell with the consent of the Secretary of the Interior.

Now, as to the Seminoles. By the act of July 1, 1898, it is provided that deeds for allotted lands are to be delivered to the allottees when the tribal government ceases; and by section 8 of the appropriation act of March 3, 1903, it is provided that the tribal government of the Seminoles shall be dissolved on March 4, 1906. Therefore the Seminoles can sell and convey all their allotted lands, except homesteads, after March, 4, 1906.

So, Mr. President, summing it up, the allotted lands of the Five Civilized Tribes, except homesteads, may be sold as follows: The Cherokees, after five years from the date of their patents; the Choctaws and Chickasaws may sell one-fourth after one year from the issuance of patents, one-fourth in three years, and the remainder in five years; the Seminoles may sell after March 4, 1906, and the Creeks may sell in five years from the date of the approval of the supplemental agreement made in 1902. That is the general law with reference to these tribes; and these general laws, as I designate them for convenience, have been modified as to all the tribes by the appropriation act of April 21, 1904.

Mr. President, I propose by the amendment I have submitted to make allotted lands, except homesteads and lands belonging to full-blood Indians, alienable at the end of one year next after the admission of the State of Oklahoma. That would delay the right of alienation for practically two years from this date, or until 1907. That would not affect the Seminoles, as they can then convey all their allotted lands, save homesteads, under existing laws; and the Choctaws and Chickasaws will have the right to convey at least one-half of their lands by the year 1907, and the other half one year later; and all the tribes would have the right under existing law to convey their lands by the year 1910. My amendment would simply shorten the limitation upon the right of alienation from one to three years with reference to two of the tribes. The Seminoles would not be at all affected, and the Choctaws and Chickasaws would be but little affected by the amendment. The Choctaws and Chickasaws will, under existing law, be able to sell half their lands before 1907 and the other half they can sell by 1908. In the case of the Creeks and Cherokees the limitation would be reduced, and uniformity and equality would be established in this respect among all the tribes.

If this State is to be admitted, it is clear to me that the right to dispose of land—that is, to sell or lease it—should be conferred upon the landowners. Unreasonable restrictions would be not only unnecessary, but hurtful. The limitation should be reasonable. Two years from this date, or a year after the admission of the State, is long enough to continue these restrictions. It would be better to make it shorter than longer.

I also propose in this amendment that after the end of two years from the admission of the State all allotted lands, other than homesteads, shall be taxed, and that whenever any allotted lands shall be sold they shall become immediately subject to taxation.

Mr. President, if practically all the lands in the Indian Territory should be relieved from taxation, it is not difficult to see that the treasury of the new State would be seriously embarrassed in the ordinary administration of public affairs. Here is a summary of the laws relating to taxation as they now stand: The homestead of a Cherokee is nontaxable while held by the allottee. I find no special provision of law concerning the taxation of other lands in the Cherokee Nation. The homesteads of the Choctaws and Chickasaws are nontaxable while held by the original homesteaders. All other allotted lands are nontaxable while the title remains in the allottee, not exceeding twenty-one years from the date of the patent. If that provision of law is left undisturbed, if it is continued, then this vast body of land belonging to the Choctaws and Chickasaws would be exempt from all taxation for a period of twenty-one years practically from the date of the admission of the State. It seems to me that such a proposition is indefensible.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Missouri yield to the Senator from Nevada?

Mr. STONE. Certainly.

Mr. NEWLANDS. Can the Senator inform us as to what proportion of the land of that Territory is held as homesteads and what proportion is allotted land other than homesteads?

Mr. STONE. I am not able at this moment to give the exact proportions. It could be easily ascertained. The homesteads are selected from the allotments.

Mr. NEWLANDS. Do the homesteads constitute a large proportion of the total land?

Mr. STONE. Oh, yes.

Mr. NEWLANDS. And therefore the exemption would seriously affect the revenue of the incoming State?

Mr. STONE. It would. The homesteads are exempt anyhow, and even under the amendment I propose——

Mr. BAILEY. Will it interrupt the Senator if I ask him a question?

Mr. STONE. No; it will not interrupt me.

Mr. BAILEY. I should like to hear the Senator from Missouri address himself to the question how far the Federal Government can exempt from taxation land in a State when it becomes a State.

My own opinion is that when the Federal Government surrenders its sovereignty over that Territory and it becomes a State the property in it is subject to the power of taxation possessed by every State; and I not only think his amendment ought to be adopted, but that there is a serious question whether the Federal Government can extend the exemption even to homesteads as against the State.

Mr. STONE. With all due deference to the judgment of the Senator from Texas, for whose opinion on such matters especially I have the highest respect, I am inclined to think that if in the organic act it is provided that the Government of the United States shall reserve the right to administer the affairs of Indian tribes, or shall make certain reservations concerning their property, it would not be an infraction of any right of the State admitted under such conditions and subject to them.

Mr. BAILEY. The Senator is right, if the Government deals with them as an Indian tribe. But the Senator from Missouri is, of course, aware that Congress has already by its legislation made all those Indians American citizens, and I am not able to perceive how the State itself could tax property in the hands of one of its citizens and exempt precisely similar property in the hands of another citizen.

If the Indians were still maintaining their tribal relations upon reservations provided by the Government, I would perfectly agree that those Indian reservations would be subject to Federal and not State control. Whatever may have been the opinion about that originally, it has been settled.

But, when the Government dissolves the tribal relation, makes every Indian in this new State an American citizen and a citizen of the State in which he resides, I think it subjects him to the same jurisdiction by that State that every other State in the Union possesses over its citizens and their property. If the Federal Government can exempt these homesteads it could, in its wisdom, exempt every acre of land here allotted. It could then proceed to exempt all forms of personal property from taxation, and would thus completely strip the new State of its power to raise sufficient revenue to administer its affairs.

Mr. STONE. For the purposes of my argument I am perfectly willing, and more than willing, to accept the view of the Senator from Texas, for it only strengthens my argument, although I am not sure he is entirely correct.

Indeed, sir, my judgment rather inclines me to the view that as Congress now has jurisdiction over the Territories, as it can now enact practically any law it pleases with respect to them, if it does enact a law, as we are attempting to do here, for the admission of the Territory into the Union it may prescribe such limitations as it pleases along the line we have been talking about or in any other way not in conflict with the Constitution. However, there is great force in the view expressed by the Senator from Texas [Mr. BAILEY], and I am by no means sure that he is not right.

I will say to the Senator from Nevada [Mr. NEWLANDS], as I was about to do when interrupted, that the homesteads of allottees will remain exempt from taxation even though the amendment I propose should be agreed to. That means that a large proportion—I would say relatively one-third of all the lands in the Indian Territory, as well as a like proportion of the Indian lands in Oklahoma—would be exempt from taxation for a long period.

Now, if in addition to this homestead exemption the other

allotted lands, which is to say the remainder of the lands in the Indian Territory and Indian lands in Oklahoma, are to be free from taxation, where are the revenues to come from with which the State government is to be supported?

I was about to give the present state of the law as it affects the question of taxation in the Indian Territory, and perhaps I had better complete that. I said that the homesteads of Cherokees are made nontaxable without regard to time and that I find no special provision concerning the taxing of their other lands. The homesteads of the Choctaws and Chickasaws are nontaxable while held by the homesteaders. All other allotted lands are nontaxable while the title remains in the original allottees, not to exceed twenty-one years. The homesteads of the Creeks and Seminoles are made nontaxable without regard to time. I find no special provision with respect to the taxation of their other lands.

I submit that the amendment I have offered, or one embracing substantially its provisions, should be adopted. Some such provision is absolutely necessary to an equality of burdens and necessary to the raising of revenue for the support of the Government.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. SCOTT in the chair). Does the Senator from Missouri yield to the Senator from Nevada?

Mr. STONE. I yield.

Mr. NEWLANDS. I should like to know what the Senator has to say regarding the humanitarian view of the question, namely, that these Indians are the wards of the Government, and that if their lands are subject to taxation and if there is no restraint upon alienation, they will speedily lose them.

Mr. STONE. Mr. President, the proposal made in the amendment I have offered is that the allotted lands shall become subject to taxation at the end of two years from the admission of the State; that is to say, they would become taxable in 1908. These exemptions would greatly diminish the State revenue during the period of exemption and no doubt would cause some embarrassment to the treasury.

Still, out of deference to this humanitarian sentiment, to which the Senator refers, and with the object of compromising differences on that head, I fixed that arbitrary limitation. I did not do it as a matter of choice or judgment, but as a concession to opposing views and in order to give the allottees time to adjust themselves to a new situation.

Mr. BERRY. Will the Senator permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. STONE. Certainly.

Mr. BERRY. If I remember correctly, there was an agreement made at least between the Choctaws and Chickasaws and the General Government in regard to the provisions which were incorporated in the law exempting their lands from taxation, describing the amount of homestead and the restrictions on alienation. There was a vote taken in those two nations some three or four years ago, and a treaty, or agreement rather, was agreed to by the people of that Territory.

Mr. STONE. Which people?

Mr. BERRY. The Choctaws and Chickasaws, and probably others; but of that I am very sure. That agreement was in the terms which were afterwards incorporated in the law. Now, I ask the Senator from Missouri, in view of that, if it would be quite fair to change the conditions which were agreed upon in regard to the restraint on alienation and also in regard to their homesteads?

Mr. STONE. Mr. President, the so-called agreement to which the Senator refers was made, and it was enacted into a law by Congress; and it was subsequently ratified by the tribes.

Mr. BERRY. That is my recollection.

Mr. STONE. But these so-called agreements have only the force and effect of law. They are subject to revision, to change, to repeal, at the pleasure of Congress.

Mr. BERRY. I submit to the Senator, if he will permit me——

The PRESIDING OFFICER. Does the Senator from Missouri yield?

Mr. STONE. Certainly.

Mr. BERRY. I did not raise the question as to the power of Congress to set it aside, but I asked the Senator in view of that agreement made so recently, with the clear understanding that it was to be enacted into a law, if it would be fair to those people now to remove the restrictions in regard to alienation and thereby subject them to the same conditions spoken of by the Senator from Nevada, of having their lands taken away from them at an earlier date than they had agreed? I agree that probably it is only a question of time when the white people will get the land, but do they not have a right to expect that Congress will act in good faith and not override an agreement which was so recently made? That is the question I put to the Senator.

Mr. STONE. Mr. President, I was proceeding to answer the Senator when he interrupted me. I was going to say in the first place that there is no legal restraint upon the power of Congress to make any change in the so-called agreements, or in the acts of Congress putting them into force and effect. That rests wholly in the discretion of Congress. There is no limitation on the power of Congress in that direction. But the Senator thinks there is a moral question involved, and his interrogatory is pointed to that phase of the subject. I am not sure, however, that there is any moral question involved. I do not think a change in the law, made for the good of all, made clearly for the public good, would be an act of bad faith. To wisely exercise an undoubted power can not well be charged to be a breach of good faith. We have been dealing with these people for many years on this line. We have made so-called agreements with them; we have made treaties with them; and yet Congress has not hesitated to change agreements or treaties from time to time as new conditions and the requirements of public policy seemed to make necessary.

The Indians know all this. They are familiar with this history, and they know that these so-called agreements are nothing more than acts of Congress, and they know that they are subject to change at the sovereign will of Congress, and without consulting them. The agreements are made with that knowledge and that understanding. There is no need to consult the Indians in passing laws for their government. When they are consulted it is done only in conformity to precedents. There is no need to consult them, and the custom of doing it has become obsolete and senseless. These Indians understand that. The power of Congress is sovereign and absolute.

Aside from that, I do not see how the Indians would be injured by this change. What harm would befall them as the result of the amendment I propose should it become the law? The only harm would be to make their property, outside of homesteads, bear a part of the burden necessary to support the State in which they lived, of which they were citizens, whose institutions were for their use and whose laws protected them. Certainly that hardship would be compensated for by the benefits received. To tax this real estate would be not only right in itself, but the taxation of it would be necessary to the proper maintenance of the State government. To exempt practically all the lands in the Indian Territory from taxation would result in too heavily burdening other property or would result in embarrassment to the State treasury from inadequate revenues.

It may be that these Indian lands, except the lands of the Choctaws and Chickasaws, which are expressly exempt for twenty-one years, would be subject to taxation upon the admission of the State without the provision of law I am seeking to have inserted in this bill, but a matter of this importance ought to be put beyond doubt. Do Senators think that the right to tax lands in the new State should be left in doubt? To relieve a large part of the private property in the State from taxation, to discriminate between citizens, to tax the lands of one and exempt the lands of another, is to attempt something which if permissible under the Constitution is intolerable from every other consideration of right and justice. The means for supporting the State must be raised by local taxation; there is no other way of producing it, and all citizens of every nationality should contribute on terms of equality to the public burden.

When is the time ever to come that we are to treat these Indians as men? Are we always to have them as wards and to treat them as incompetents under our special guardianship? Are they to hobble on crutches and lean upon us forever? Are they never to walk alone? These Indians have been immediately under civilizing influences for several generations. Before they went to the Indian Territory they were in the midst of civilizing influences, and have been ever since. Are these people never to attain to the state and dignity of manhood? We have conferred upon them the powers and rights of citizens, and now shall we exempt them from the duties and responsibilities of citizens?

To make one a citizen of the United States is to confer a great dignity and a great privilege, and a man who is clothed with this dignity ought to assume at least the simplest and most ordinary duties of citizenship. They are to have their homesteads exempt from all taxation. What more could they ask? Who else in any State or Territory is favored thus? Homesteads are allowed in all States and exempted from executions for debt. A sheltering place is given to heads of families, but so far as I know they are not exempt from taxation.

But here they are exempted from taxation without limitation as to time. That certainly is enough. No, Mr. President, I can not see that there is any such moral question involved as the Senator from Arkansas seems to have in mind.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. STONE. Yes, sir; I yield.

Mr. NEWLANDS. The Senator will pardon me for asking so many questions, as unfortunately in this case we have no report from the committee.

Mr. STONE. Yes; there is a report.

Mr. NEWLANDS. There has been no report made to the Senate.

Mr. CLAY. No; not to the Senate.

Mr. NEWLANDS. And hence we are obliged to get our information by questions from Senators who seem to have full information, as the Senator from Missouri has.

Mr. STONE. I disclaim——

Mr. NEWLANDS. I should like to ask the Senator how large the Indian population is in the Indian Territory——

Mr. CLARKE of Arkansas. Eighty-seven thousand.

Mr. NEWLANDS. And what proportion it bears to the white population of that Territory? If there is a large white population there, I ask how it is that they subsist, if, as the Senator says, all the lands of that Territory substantially are in the possession and ownership of the Indians?

Mr. STONE. I do not know that there has been an official census taken showing the exact number of Indians in the Indian Territory. I have seen numerous estimates as to the number. It is generally believed, and I have no doubt it is true, that there are about 17,000 full-blood Indians in the Indian Territory.

Mr. BERRY. In all the five tribes?

Mr. STONE. In all the five tribes.

Mr. BERRY. The number is more than that, I think, Mr. President—a great deal more.

Mr. STONE. How many does the Senator say there are?

Mr. BERRY. I would not undertake to say absolutely as to the full bloods entirely, but the Indians in the Five Tribes are generally estimated—I do not speak positively—at, I think, from 80,000 to 100,000.

Mr STONE. Oh, yes.

Mr. BERRY. I think there are some 24,000 or 25,000 in the Cherokee Nation, 15,000 or 20,000 in the Choctaw, a less number in the Creek. There are probably in the neighborhood of from 80,000 to 100,000.

Mr. STONE. But I was speaking of full bloods.

Mr. BERRY. I can not say about that; I do not know.

Mr. STONE. Does the Senator——

Mr. STEWART. I think there are 60,000 full bloods. That is my recollection.

Mr. STONE. I think the Senator is clearly mistaken. I have never seen an estimate giving any such number as that.

Mr. STEWART. I think the census shows that number.

Mr. STONE. The junior Senator from Arkansas [Mr. CLARKE] has just remarked to me, and I think he is right, that the entire number of all persons having Indian blood in them who have been enrolled is less than 87,000, and of this number about 17,000 or 18,000 are full bloods; the others are half bloods, quarter breeds, and so on down until the strain of Indian blood is so small that there is nothing in the appearance or habits of the people to indicate Indian origin or connection.

Among these Indians and so-called Indians, especially the full bloods, I have no doubt there is a considerable per cent of ignorant people, but I venture to say that that per cent, comparatively speaking, is not abnormally large. I doubt if it would be larger than that you would find in any community of 80,000 or 90,000 people. If you should take 80,000 or 90,000 people indiscriminately from the population of this city, the capital of the nation, you would find that a considerable number in the aggregate would be ignorant people and incapable of doing much for themselves. You would find some who would prosper under given conditions, and others who would fail under the same conditions. That is a condition not peculiar to the Five Civilized Tribes; it is common to all mankind. What is true of this Indian population is substantially true in this respect of any other population of similar numbers.

I venture to assert that in New Mexico or Arizona, with an aggregate joint population of about one-half that of the Indian Territory, there are as many ignorant and worthless people, absolutely as many, as can be found in the Indian Territory. The Senator from Nevada asks how the people who have gone to the Indian Territory manage to live since all the lands are owned by the Indians. Many are renters from the Indians and are engaged in farming; many are engaged in mining; many are working in the oil industry; many are engaged in herding cattle on leased lands; while still larger numbers reside in the towns and cities of the Territory, following all the diversified callings which are followed in towns and cities throughout the country.

Mr. President, I live adjoining this proposed State; I am familiar with the country and the people in both the Indian Territory and Oklahoma, and I want to say that they are as good people as can be found anywhere. They would treat the Indians as kindly and deal with them as honestly as would the people of any State. There appears to be a notion with some that the Indian citizens of the new State should be in some way kept out from under the operation of State laws; that they should not be subject in the same way as other citizens to such laws.

For instance, the senior Senator from Nevada in his amendment to the pending bill, to which I have heretofore adverted, proposes to make the Indian agent at the Union Agency a public administrator and a public guardian and curator for all deceased and minor Indians throughout the whole Territory. Among other reasons given for desiring to do this strange, and to my mind exceedingly impracticable, thing is that the banking and trust companies in the Indian Territory are engaged in the business of administering estates, and it is thought that these companies engage in this business with the idea of plundering the estates in their charge.

I do not think that Senators or others who make this charge or who entertain this fear are well informed as to the facts. It may be that rare instances of maladministration by trust companies have occurred in the Territory, but so have they occurred in other sections. I believe the banking and trust companies in the Indian Territory are as honestly and efficiently administered as they are elsewhere. I know the managing officers of some of these institutions personally, and know them to be men of the highest character. One of them, the president of a banking and trust company at Antlers, was for sixteen years the secretary of state of the State of Missouri. He filled that office with credit, ability, and distinction for that long period, and up to five or six years ago. He is a man of high standing and character. I do not know who is associated with him, but no one in Missouri could be made to believe anything to the discredit of the gentleman of whom I speak. And I know others there of equally as high standing.

I have no kind of doubt that the estates of decedents or minors could be placed with perfect safety in the hands of these trust companies. I doubt if they could be put in better hands for prompt, faithful, and correct administration. Men who have estates of consequence now usually place the administration of them in the hands of trust companies because they feel safer to have them administered by corporations of that kind than to have them committed to individual hands. If that is true in Illinois, or Maryland, or Texas, or in any other State, why should it not be true in the State of Oklahoma?

The people who will inhabit this new State are not dishonest; they are not ignorant or vicious. They are typical Americans in every respect—in integrity, in intelligence, in enterprise, in manhood—and I resent the idea, from whatever source it comes, of stigmatizing them. They are men who have gone there from the States, not only the States immediately surrounding the Territory, but from all over the country—East, West, North, and South. They have poured into that splendid country, peopling it, developing it, building railroads, opening mines, cultivating farms, building cities, schoolhouses, churches, and doing everything Americans do in the work of building States. I resent the assertion, no matter from whose lips it falls, that these people are in any way unworthy of the confidence of this body. They are as worthy of your confidence as are the people of any other State.

Mr. BAILEY. Will the Senator from Missouri permit an interruption there?

Mr. STONE. Yes, sir.

Mr. BAILEY. While I agree with the Senator in his very excellent defense of those people, wholly apart from their fidelity in respect to their trust, it seems to me as clear as anything can be that it is beyond the power of the Federal Congress to provide for the administration of the estates of either decedents or minors in a State of the Union. I only wanted it to appear that the Senator from Missouri would not admit the validity of such an amendment as that proposed by the Senator from Nevada [Mr. STEWART], even as a matter of law.

If it is true that the people there are not qualified either by intelligence or integrity to administer the estates of the young or the dead, it may be a good argument against admission; but it would not give the Federal Government that power.

Mr. STONE. The Senator from Texas and I are well agreed as to that. What he has said is well said. I believe I do not care to detain the Senate longer at this time. I have already prolonged the discussion greatly beyond what I intended when I took the floor.

Mr. BATE. I ask the Senator from Minnesota if there is any Senator on his side who desires to make any remarks on the statehood bill at this time?

Mr. NELSON. Not so far as I am informed, and unless some Senator on the other side desires to speak further on the bill today I shall move an executive session.

Mr. BATE. All right.

EXECUTIVE SESSION.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 20, 1905, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate January 19, 1905.*

ATTORNEY-GENERAL OF PORTO RICO.

A. G. Stewart, of Iowa, to be attorney-general of Porto Rico, vice Willis Sweet, resigned.

PROMOTION IN THE ARMY—PAY DEPARTMENT.

Capt. Otto Becker, paymaster, to be paymaster with the rank of major, January 15, 1905, vice Rees, dismissed.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 19, 1905.*

POSTMASTERS.

ALABAMA.

Harvey E. Berkstresser to be postmaster at Dadeville, in the county of Tallapoosa and State of Alabama.

Ralph G. Green to be postmaster at Bay Minette, in the county of Baldwin and State of Alabama.

GEORGIA.

Jennie B. Smith to be postmaster at Carrollton, in the county of Carroll and State of Georgia.

LOUISIANA.

Edson E. Burnham to be postmaster at Amite, in the parish of Tangipahoa and State of Louisiana.

William M. Rous to be postmaster at Lake Providence, in the parish of East Carroll and State of Louisiana.

MISSISSIPPI.

James W. Bell to be postmaster at Pontotoc, in the county of Pontotoc and State of Mississippi.

Samuel R. Braselton to be postmaster at Gulfport, in the county of Harrison and State of Mississippi.

Edwin W. Cabaniss to be postmaster at Clinton, in the county of Hinds and State of Mississippi.

Robert W. Hinton to be postmaster at Lumberton, in the county of Lamar and State of Mississippi.

Rosa Mayers to be postmaster at Shelby, in the county of Bolivar and State of Mississippi.

Alma Stephens to be postmaster at Shaw, in the county of Bolivar and State of Mississippi.

TEXAS.

Dallas Harbert to be postmaster at Commerce, in the county of Hunt and State of Texas.

## HOUSE OF REPRESENTATIVES.

THURSDAY, *January 19, 1905.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

STATUE OF FRANCES E. WILLARD.

The SPEAKER laid before the House the following communication:

The Clerk read as follows:

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT,
*Springfield, January 10, 1905.*

DEAR SIR: Governor Deneen is in receipt of a letter from the chairman of the Illinois board of commissioners for the Frances E. Willard statue, informing him that the sculptor, Helen Farnsworth Mears, reports that the model will reach Washington, D. C., on February 11. The commissioners express the desire that Governor Deneen advise the Senate of the United States and House of Representatives of the completion of the statue in order that a date may be immediately fixed for its acceptance by Congress. I am directed by Governor Deneen to communicate this fact to you for your information and such action as Congress may see fit to take.

Yours, truly, J. WHITTAKER,
*Secretary.*

Hon. JOS. G. CANNON,
*Speaker House of Representatives,*
*Washington, D. C.*

Mr. FOSS. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The gentleman from Illinois [Mr. Foss] asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved*, That the exercises appropriate to the reception and acceptance from the State of Illinois of the statue of Frances E. Willard, erected in Statuary Hall in the Capitol, be made the special order for Friday, February 17, at 4 o'clock.

Mr. McCLEARY of Minnesota. Mr. Speaker, I would like to ask whether this statue is one of the two that each State is authorized to erect in Statuary Hall?

Mr. FOSS. It is.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

UNITED STATES JUDGES IN HAWAII.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15604) providing for the exercise of the powers of the judge of the district court of the United States for the Territory of Hawaii by certain other judges of the courts of the Territory of Hawaii.

The SPEAKER. The gentleman from Wisconsin [Mr. JENKINS] asks unanimous consent for the present consideration of a bill, the title of which the Clerk will report.

The Clerk read the title of the bill.

Mr. COCKRAN of New York. Mr. Speaker, I would like a word of explanation. I would like to have the gentleman from Wisconsin [Mr. JENKINS] explain just what courts are referred to.

Mr. JENKINS. I will say to the gentleman from New York [Mr. COCKRAN] that this bill simply provides that whenever a judge is incapacitated for any reason some other judge may be assigned.

Mr. COCKRAN of New York. What other judge? An United States judge or a local judge?

Mr. JENKINS. Some United States judge in the Territory. I would say to the gentleman also, this bill is drawn by the Department of Justice and meets its approval and has received the unanimous indorsement of the Committee on the Judiciary.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That whenever there shall be pending in the United States district court for the Territory of Hawaii any case in which any party is interested, either as plaintiff or defendant, who is related by affinity or consanguinity within the third degree to the judge of said court, or whenever there is pending in the said court any issue in which the said judge may have, either directly or through any such relative, any pecuniary interest, or whenever the said judge is absent from the district of Hawaii, or is incapacitated by illness or otherwise from performing his duties as such judge, then and in such case it shall be the duty of the said judge to designate some judge of the supreme court of the Territory of Hawaii to perform the duties of the judge of said United States district court.

SEC. 2. That the judge of the supreme court of the Territory of Hawaii, so designated to act, shall have the same powers and jurisdiction as the judge of the United States district court: *Provided, however*, That no such judge shall act until the judge of the said district court shall have made an order to that effect, which order shall be filed and entered of record in the office of the clerk of the United States district court for the Territory of Hawaii.

SEC. 3. That the order provided for in section 2 hereof shall set forth the name of the judge designated to act in the place of the judge of the district court, and shall further state in what case or cases or for what time or term said judge so called in to act shall preside.

SEC. 4. That whenever any case is heard by any judge other than the judge of the United States district court for the Territory of Hawaii, such other judge shall also have jurisdiction in all matters relating to appeal or writ of error in cases in which he shall preside.

SEC. 5. That this act shall take effect and be in force from and after its passage.

The amendment was read, as follows:

After the word "Hawaii," in line 1, page 2, amend by inserting the following: "who is not so related, interested, absent or incapacitated."

Mr. ROBINSON of Indiana. Whenever a United States judge in the Territory of Hawaii is absent or incapacitated this provision is made that a Territorial judge of Hawaii shall act in his stead with the restrictions imposed in the act itself. So it is not the case of another United States judge acting, but a Territorial judge acting in this contingency.